

AMENDED IN ASSEMBLY MAY 15, 2006

AMENDED IN SENATE FEBRUARY 27, 2006

SENATE BILL

No. 1196

**Introduced by Committee on Local Government (Senators Kehoe
(Chair), Ackerman, Cox, Machado, and Torlakson)**

January 24, 2006

An act to amend Sections ~~53234~~, 25210.77b, 38743, 38902, 53232.2, 53234, 53235.1, 54251, 54984.4, 54984.7, 54984.8, 58950, ~~61107~~, 61068, 61107, 61116, 65457, 66016, 66448, and 66499.7 of, and to repeal Sections 54984.5 and 54984.6 of, the Government Code, to amend ~~Section 2051~~ Sections 2051, 5471, and 40980 of the Health and Safety Code, to amend Sections ~~22032~~ 20736, 22032, and 22034 of the Public Contract Code, *to amend Sections 13215 and 13216 of, to add Section 5784.2 to, and to repeal Chapter 5 (commencing with Section 5790) of Division 5 of, the Public Resources Code, and to amend Sections 16475, 16477, and 16478 of, and to repeal Section 16476 of, the Public Utilities Code*, to amend Section 2215 of the Revenue and Taxation Code, *to amend Sections 22280, 31031, 31031.8, 31032.1, 31032.10, 31032.12, 31104, 31104.5, 31104.7, 31104.8, 35470, 50902, 50911, 52402, 55501.5, 55507, 71630, 71632, and 71638 of, to amend and renumber Section 71638.4 of, to add Sections 35470.1, 37210.1, and 37210.2 to, and to repeal Sections 71638.1, 71638.2, and 71638.3 of, the Water Code, and to amend Section 5.2 of Chapter 545 of the Statutes of 1943, Section 27.6 of Chapter 1657 of the Statutes of 1951, Section 3.8 of Chapter 2036 of the Statutes of 1959, Section 3.9 of Chapter 2137 of the Statutes of 1959, Section 76 of Chapter 2146 of the Statutes of 1959, Section 11.5 of Chapter 40 of the Statutes of 1962, Section 24.1 of Chapter 28 of the Statutes of the First Extraordinary Session of 1962, Sections 134.5, 134.6, and 134.7 of Chapter 209 of the Statutes of 1969,*

Section 721 of Chapter 527 of the Statutes of 1977, Section 441 of Chapter 926 of the Statutes of 1983, Section 441 of Chapter 688 of the Statutes of 1984, Section 441 of Chapter 689 of the Statutes of 1984, Section 420 of Chapter 1399 of the Statutes of 1987, Section 12 of Chapter 1159 of the Statutes of 1990, and Sections 603 and 604 of Chapter 803 of the Statutes of 1992, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1196, as amended, Committee on Local Government. Local Government Omnibus Act of 2006.

(1) Existing law establishes the procedures for relieving from specified tax liability territory that has been detached from a district.

This bill would correct an obsolete cross-reference in those procedures.

(2) Existing law requires local officials, as designated by the legislative body of a local agency, to take ethics training courses.

This bill instead would specify that the local officials are to be designated by the governing body of a local agency and would make a technical change.

(3) *Existing law limits local official's compensation and imposes certain requirements on their claims for reimbursing expenses.*

This bill would expressly provide that a local official may pay additional costs above the allowed limits, at his or her expense.

(4) *Existing law requires each local agency official in local agency service as of January 1, 2006, except for those officials whose term of office ends before January 1, 2007, to receive specified ethics training.*

This bill would revise that exception to include local officials whose term of office ends before January 9, 2007.

(5) *Existing law, the Community Services District Law cross-references laws governing the reimbursements of local government officials except for travel costs.*

This bill would cross-reference those provisions governing reimbursement of travel costs.

(6) The Planning and Zoning Law specifies the requirements for adopting and implementing specific plans.

This bill would delete an obsolete cross-reference in that law to a provision of *the California Environmental Quality Act* relating to

environmental impacts for residential development projects *and would declare that this is not a substantive change in that law.*

(4)

(7) The Uniform Standby Charge Procedures Act establishes procedures for any local agency authorized by law to provide water, sewer, or water and sewer service, and authorized to collect standby or availability charges or ~~assessment~~ *assessments* in connection with that service, to fix, give notice; of, and collect those charges. Article XIII D of the California Constitution and implementing statutes limit local officials' powers to levy benefit assessments.

This bill would amend that act to conform its provisions to the statutes implementing Article XIII D. *This bill would amend provisions of various acts that authorize counties, cities, and special districts to impose standby or availability charges on assessments to conform to the revised Uniform Standby Charge Procedures Act.*

(5)

(8) The Mitigation Fee Act specifies how local governmental officials impose fees to recover the costs of processing applications for the costs of processing applications for development projects.

This bill would delete an obsolete cross-reference to a fee that has been consolidated with other fees.

(6)

(9) The Subdivision Map Act regulates how counties and cities approve the conversion of large landholdings into separate parcels. In those procedures, the Legislature generally employed the term "local agency" to refer to counties and cities.

This bill would conform a provision of that act concerning the posting of security by subdividers to delete the term "public entity" and instead use "local agency."

(10) *Under the Subdivision Map Act, where a parcel map is required, the parcel map, if not based on a field survey conforming to the Land Surveyors Act, may be based on the compilation of recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map.*

This bill instead would require that compilation be from recorded or filed data when sufficient recorded or filed survey monumentation exists to enable the retracement of exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

(7)

(11) Existing law limits local officials' compensation and imposes certain restrictions on claims for reimbursement.

This bill would make an additional ~~cross-reference~~ *cross-reference* to that law in the Mosquito and Vector Control District Law.

(12) *Existing law governing the composition of the Sacramento Metropolitan Air Quality Management District's board of directors requires city representatives to be appointed by the city selection committee.*

This bill, instead, would require generally that the city representatives shall be selected by the city council of the city that they represent, thereby imposing a state-mandated local program.

~~(8)~~

(13) The Public Contract Code provides procedures that local agencies are required to follow when they build public works projects. When local agencies voluntarily use the Uniform Public Construction Cost Accounting Act, they may use their own employees for projects worth \$25,000 or less, while projects worth \$100,000 or less require informal bids and those worth more than \$100,000 require formal bids. With respect to projects worth less than \$100,000, if all the informal bids received are in excess of \$100,000, the governing board of the public agency may adopt a resolution by a $\frac{4}{5}$ vote to award the contract at \$110,000 to the lowest responsible bidder, as specified.

This bill would increase those limits from \$25,000 to \$30,000, from \$100,000 to \$125,000, and from \$110,000 to \$137,500, respectively.

~~(9)~~

(14) The Recreation and Park District Law was recently repealed and reenacted.

This bill would repeal 2 obsolete provisions of that law that were not repealed at that time. *The bill would also allow a consolidated recreation and park district to have a temporarily larger governing board of 7, 9, or 11 members subject to the approval of the local agency formation commission.*

~~(10)~~

(15) Existing law defines special district for purposes of reimbursement of costs mandated by the state in terms of its statutory authority to levy a property tax rate.

This bill would additionally specify, for those purposes, that a special district is also one that is statutorily authorized to receive an allocation of property tax revenues.

~~(11)~~

(16) The bill would correct various drafting errors relating to local government.

(17) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known and may be cited as
2 the Local Government Omnibus Act of 2006.

3 (b) The Legislature finds and declares that Californians want
4 their governments to be run efficiently and economically and that
5 public officials should avoid waste and duplication whenever
6 possible. The Legislature further finds and declares that it desires
7 to control its own costs by reducing the number of separate bills.
8 Therefore, it is the intent of the Legislature in enacting this act to
9 combine several minor, noncontroversial statutory changes
10 relating to local government into a single measure.

11 SEC. 1.1. *Section 25210.77b of the Government Code is*
12 *amended to read:*

13 25210.77b. (a) A county may pursuant to the notice, protest,
14 and hearing procedures in Section 53753, fix, on or before the
15 first day of July in each calendar year, a water or sewer standby
16 or immediate availability charge on all land within a county
17 service area to which water or sewers are made available for any
18 purpose by the county whether the water or sewers are actually
19 used or not, except that the charge shall not apply to lands
20 permanently dedicated exclusively to the public transportation of
21 persons or property. The board of supervisors of the county
22 which fixes the water standby charge may establish schedules
23 varying the charges in different months and in different localities
24 within a county service area depending upon factors such as the
25 uses to which the land is put, the cost of transporting the water to
26 the land, the degree of availability or quantity of use of the water
27 to the affected lands. The board may not, however, fix a charge

1 in excess of thirty dollars (\$30) for each acre of land, or thirty
2 dollars (\$30) for each parcel of land of less than one acre, for
3 either water or sewer standby charges, *unless the standby charge*
4 *is imposed pursuant to the Uniform Standby Charge Procedures*
5 *Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of*
6 *Division 2 of Title 5.*

7 If a person for more than one year obtains substantially all of
8 his or her water requirements for the contiguous parcels of land
9 which he or she occupies from rainfall, springs, streams, lakes,
10 rivers, or wells, and if the person's primary economic activity on
11 the land is the commercial extraction or processing of minerals,
12 the land shall be exempt from any water standby or availability
13 charges.

14 (b) Notwithstanding any other provision of this article, San
15 Luis Obispo County may, *pursuant to the notice, protest, and*
16 *hearing procedures in Section 53753*, fix, on or before the first
17 day of July in each calendar year, a sewer standby or immediate
18 availability charge not to exceed sixty dollars (\$60) for each acre
19 of land or for each parcel of land of less than one acre, on all land
20 within a county service area to which sewers are made available
21 for any purpose by the county whether the sewers are actually
22 used or not, except that the charge shall not apply to lands
23 permanently dedicated exclusively to the public transportation of
24 persons or property. The Board of Supervisors of San Luis
25 Obispo County in so fixing the sewer standby charge may
26 establish schedules varying the charges in different months and
27 in different localities within the county service area depending
28 upon factors such as the uses to which the land is put, the cost of
29 transporting the sewage from the land, and the degree of the
30 availability of sewage collection and treatment to the affected
31 lands.

32 (c) *If the procedures set forth in this section as it read at the*
33 *time a standby charge was established were followed, the county*
34 *board of supervisors may, by resolution, continue the charge in*
35 *successive years at the same rate. If new, increased, or extended*
36 *assessments are proposed, the board shall comply with the*
37 *notice, protest, and hearing procedures in Section 53753.*

38 SEC. 1.3. Section 38743 of the Government Code is amended
39 to read:

38743. A city may, *pursuant to the notice, protest, and hearing procedures in Section 53753*, fix, on or before the first day of July in each calendar year, an annual water service standby or immediate availability charge to be applied on an area or frontage or parcel basis, or a combination thereof, within the city to be charged to such areas to which water service is made available for any purpose by the city, whether the water service is actually used or not. *If the procedures set forth in this section as it read at the time a standby charge was established were followed, the city council may, by resolution, continue the charge in successive years at the same rate. If new, increased, or extended assessments are proposed, the city council shall comply with the notice, protest, and hearing procedures in Section 53753.* The city council of a city which fixes such a charge may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such city. The council may not, however, fix a monthly charge in excess of ten dollars (\$10) per acre, either on an area or frontage basis, or in excess of five dollars (\$5) for a parcel or frontage of less than an acre, *unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5.*

A city may collect the standby or availability charge by billing the charged lands on a monthly or fiscal year basis.

A city may collect the standby or availability charge as a part of the annual general county tax bill provided the city furnishes, on or before August 10, in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel. The parcel description may be the parcel number assigned by the county assessor to the parcel.

If the city collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 1.5. Section 38902 of the Government Code is amended to read:

1 38902. A city may, *pursuant to the notice, protest, and*
2 *hearing procedures in Section 53753*, fix an annual sewer service
3 standby or immediate availability charge to be applied on an area
4 or frontage or parcel basis, or a combination thereof, within the
5 city to be charged to such areas to which sewer service is made
6 available for any purpose by the city, whether the sewer service
7 is actually used or not. *If the procedures set forth in this section*
8 *as it read at the time a standby charge was established were*
9 *followed, the city council may, by resolution, continue the charge*
10 *in successive years at the same rate. If new, increased, or*
11 *extended assessments are proposed, the city council shall comply*
12 *with the notice, protest, and hearing procedures in Section*
13 *53753.* The city may establish schedules varying such charge
14 according to the land uses and the degree of availability or
15 quantity of use of such sewer service to the affected lands, and
16 may restrict such charge to lands lying within one or more zones
17 or areas of benefits established within such city.

18 The city may collect the standby or availability charge by
19 billing the charged lands on a fiscal year basis or by other means
20 available.

21 The city may collect the standby or availability charge as a part
22 of the annual general county tax bill provided the city furnishes
23 in writing to the board of supervisors and to the county auditor
24 the description of each parcel for which a charge is to be billed
25 together with the amount of the charge applicable to each parcel
26 in sufficient time to meet the schedule established by the county
27 for inclusion of such items on the county general tax bill. The
28 parcel description may be the parcel number assigned by the
29 county assessor to the parcel. In such case, the standby or
30 availability charge shall become a lien against the parcel of land
31 to which it is charged in the same manner as the county general
32 taxes. Penalties may be collected for late payment of the standby
33 or availability charge or the amount thereof unpaid in the manner
34 and at the same rates as that applicable for late payment or the
35 amount thereof unpaid of county general taxes.

36 If the city collects standby charges through the county general
37 tax bill, the amount of the standby charge and any applicable
38 penalty shall be stated on the tax bill separately from all other
39 taxes, if practicable.

1 *SEC. 1.7. Section 53232.2 of the Government Code is*
2 *amended to read:*

3 53232.2. (a) When reimbursement is otherwise authorized by
4 statute, a local agency may reimburse members of a legislative
5 body for actual and necessary expenses incurred in the
6 performance of official duties, including, but not limited to,
7 activities described in Article 2.4 (commencing with Section
8 53234).

9 (b) If a local agency reimburses members of a legislative body
10 for actual and necessary expenses incurred in the performance of
11 official duties, then the governing body shall adopt a written
12 policy, in a public meeting, specifying the types of occurrences
13 that qualify a member of the legislative body to receive
14 reimbursement of expenses relating to travel, meals, lodging, and
15 other actual and necessary expenses.

16 (c) The policy described in subdivision (b) may also specify
17 the reasonable reimbursement rates for travel, meals, and
18 lodging, and other actual and necessary expenses. If it does not,
19 the local agency shall use the Internal Revenue Service rates for
20 reimbursement of travel, meals, lodging, and other actual and
21 necessary expenses as established in Publication 463, or any
22 successor publication.

23 (d) If the lodging is in connection with a conference or
24 organized educational activity conducted in compliance with
25 subdivision (c) of Section 54952.2, including, but not limited to,
26 ethics training required by Article 2.4 (commencing with Section
27 53234), lodging costs shall not exceed the maximum group rate
28 published by the conference or activity sponsor, provided that
29 lodging at the group rate is available to the member of a
30 legislative body at the time of booking. If the group rate is not
31 available, the member of a legislative body shall use comparable
32 lodging that is consistent with the requirements of subdivisions
33 (c) and (e).

34 (e) Members of the legislative body shall use government and
35 group rates offered by a provider of transportation or lodging
36 services for travel and lodging when available.

37 (f) All expenses that do not fall within the adopted travel
38 reimbursement policy or the Internal Revenue Service
39 reimbursable rates as provided in subdivision (c), shall be

1 approved by the governing body, in a public meeting before the
2 expense is incurred, except as provided in subdivision (d).

3 *(g) If a member of a legislative body chooses to incur*
4 *additional costs that are above the rates established pursuant to*
5 *this section and those costs have not been approved pursuant to*
6 *subdivision (f), then the member of a legislative body may do so*
7 *at his or her own expense.*

8 ~~(g)~~
9 (h) This section shall not supersede any other laws
10 establishing reimbursement rates for local agencies.

11 SEC. 2. Section 53234 of the Government Code is amended
12 to read:

13 53234. For the purposes of this article, the following terms
14 have the following meanings:

15 (a) “Legislative body” has the same meaning as specified in
16 Section 54952.

17 (b) “Local agency” means a city, county, city and county,
18 charter city, charter county, charter city and county, or special
19 district.

20 (c) “Local agency official” means the following:

21 (1) Any member of a local agency legislative body or any
22 elected local agency official who receives any type of
23 compensation, salary, or stipend or reimbursement for actual and
24 necessary expenses incurred in the performance of official duties.

25 (2) Any employee designated by a local agency governing
26 body to receive the training specified under this article.

27 (d) “Ethics laws” include, but are not limited to, the following:

28 (1) Laws relating to personal financial gain by public servants,
29 including, but not limited to, laws prohibiting bribery and
30 conflict-of-interest laws.

31 (2) Laws relating to claiming perquisites of office, including,
32 but not limited to, gift and travel restrictions, prohibitions against
33 the use of public resources for personal or political purposes,
34 prohibitions against gifts of public funds, mass mailing
35 restrictions, and prohibitions against acceptance of free or
36 discounted transportation by transportation companies.

37 (3) Government transparency laws, including, but not limited
38 to, financial interest disclosure requirements and open
39 government laws.

1 (4) Laws relating to fair processes, including, but not limited
2 to, common law bias prohibitions, due process requirements,
3 incompatible offices, competitive bidding requirements for
4 public contracts, and disqualification from participating in
5 decisions affecting family members.

6 *SEC. 2.5. Section 53235.1 of the Government Code is*
7 *amended to read:*

8 53235.1. (a) Each local agency official in local agency
9 service as of January 1, 2006, except for officials whose term of
10 office ends before January 1, 2007, shall receive the training
11 required by subdivision (a) of Section 53235 before January 1,
12 2007. Thereafter, each local agency official shall receive the
13 training required by subdivision (a) of Section 53235 at least
14 once every two years.

15 (b) Each local agency official who commences service with a
16 local agency on or after January 1, 2006, shall receive the
17 training required by subdivision (a) of Section 53235 no later
18 than one year from the first day of service with the local agency.
19 Thereafter, each local agency official shall receive the training
20 required by subdivision (a) of Section 53235 at least once every
21 two years.

22 (c) A local agency official who serves more than one local
23 agency shall satisfy the requirements of this article once every
24 two years without regard to the number of local agencies with
25 which he or she serves.

26 *SEC. 2.7. Section 54251 of the Government Code is amended*
27 *to read:*

28 54251. (a) A local agency may, pursuant to this article,
29 authorize, grant, or enter into one or more exclusive or
30 nonexclusive franchise, license, or service agreements with a
31 privatizer for the design, ownership, financing, construction,
32 maintenance, or operation of a privatization project.

33 (b) A local agency may enact any measures necessary and
34 convenient to carry out this article.

35 (c) Notwithstanding Section 25210.77b, within a county
36 service area, a county may, *pursuant to the notice, protest, and*
37 *hearing procedures in Section 53753*, fix a charge in excess of
38 ten dollars (\$10) for each acre of land, or ten dollars (\$10) for
39 each parcel of land of less than one acre for sewer standby
40 charges subject to a privatization project pursuant to this article.

1 *If the procedures set forth in this section as it read at the time a*
2 *standby charge was established were followed, the county may,*
3 *by resolution, continue the charge in successive years at the*
4 *same rate. If new, increased, or extended assessments are*
5 *proposed, the county shall comply with the notice, protest, and*
6 *hearing procedures in Section 53753.*

7 SEC. 3. Section 54984.4 of the Government Code is amended
8 to read:

9 54984.4. (a) The local agency shall comply with the notice,
10 protest, and hearing procedures in Section 53753.

11 (b) In the absence of a majority protest, *as defined in*
12 *subdivision (e) of Section 53753*, the governing body of the local
13 agency may determine to ~~impose~~ *fix* the charges.

14 SEC. 4. Section 54984.5 of the Government Code is repealed.

15 SEC. 5. Section 54984.6 of the Government Code is repealed.

16 SEC. 6. Section 54984.7 of the Government Code is amended
17 to read:

18 54984.7. If the procedures set forth in this chapter at the time
19 a charge was established were followed, the governing body
20 may, by resolution, continue the charge in successive years at the
21 same rate. If new, increased, or extended assessments are
22 proposed, the governing body shall comply with the notice,
23 protest, and hearing procedures in Section 53753.

24 SEC. 7. Section 54984.8 of the Government Code is amended
25 to read:

26 54984.8. After the making of a final determination pursuant
27 to Sections 54984.4 and 54984.7, the local agency shall cause the
28 charge to be collected at the same time, and in the same manner,
29 as is available to it under applicable law.

30 SEC. 8. Section 58950 of the Government Code is amended
31 to read:

32 58950. If territory has been detached from a district and that
33 detached territory is subject to terms and conditions imposed by
34 the local agency formation commission pursuant to Section
35 56886 and those terms and conditions require that the detached
36 territory continue to be taxed for the payment of principal and
37 interest on outstanding bonds of the district, the governing body
38 of the district from which the territory was detached may absolve
39 and relieve the detached territory of its annual tax liability as
40 follows:

1 (a) The district board shall, by resolution, declare its intention
2 to relieve the detached territory of its annual tax liability for
3 payment of principal and interest on outstanding district bonds.
4 The resolution shall describe the detached territory, specify the
5 annual liability the territory will be relieved of, state the reason
6 or reasons why the detached territory should be relieved, and fix
7 a time, date, and place for a public hearing on the proposed relief
8 of liability.

9 (b) The district board shall cause notice of the hearing to be
10 published pursuant to Section 6066 in a newspaper of general
11 circulation published in the territory of the district and the
12 detached territory. The notice shall contain all the information
13 specified in subdivision (a), and in lieu of notice the district
14 board may cause a copy of the resolution required in subdivision
15 (a) to be published.

16 (c) At the time, ~~date~~ *date*, and place stated in the notice, the
17 district board shall hear and consider all objections or protests to
18 relieving the detached territory of annual liability for payment of
19 principal and interest on outstanding district bonds. The hearing
20 may be continued from time to time. Upon conclusion of the
21 hearing, the district board shall determine by resolution, whether
22 or not the detached territory should be relieved and absolved of
23 any future annual tax liability for the outstanding bonds of the
24 district.

25 (d) If the district board determines that the detached territory
26 should be relieved of annual tax liability, it shall cause a copy of
27 its resolution to be filed pursuant to Section 54902 with the
28 Board of Equalization and the county assessor of the county in
29 which the territory is located. The detached territory shall be
30 relieved and absolved of the annual tax liability for outstanding
31 district bonds imposed by the local agency formation
32 commission in the year next succeeding adoption of the
33 resolution when assessments or taxes are to be levied for
34 payment of the principal and interest on the bonds.

35 Nothing in this section shall be construed as in any way
36 limiting the power of a bondholder to enforce his or her
37 contractual rights and nothing in this section shall affect the
38 ultimate liability of that detached territory for the bonded
39 indebtedness of the district in case of default. This section is
40 intended to provide a means of relieving territory detached from

1 a district from annual assessments for the principal and interest
2 on bonded indebtedness when that territory is no longer receiving
3 the services for which the bonded indebtedness was incurred.

4 *SEC. 8.5. Section 61068 of the Government Code is amended*
5 *to read:*

6 61068. A board of directors may authorize its members and
7 the employees of the district to attend professional or vocational
8 meetings and conferences. A board of directors may reimburse
9 its members and the employees of the district for their
10 documented, actual, and necessary traveling and incidental
11 expenses while on official business. *Reimbursement for these*
12 *expenses is subject to Sections 53232.2 and 53232.3.*

13 *SEC. 9. Section 61107 of the Government Code is amended*
14 *to read:*

15 61107. (a) If a board of directors desires to divest itself of a
16 power that is authorized pursuant to this chapter and if the
17 termination of that power would require another public agency to
18 provide a new or higher level of services or facilities, the district
19 shall first receive the approval of the local agency formation
20 commission. To the extent feasible, the local agency formation
21 commission shall proceed pursuant to Article 1.5 (commencing
22 with Section 56824.10) of Chapter 5 of Part 3 of Division 3.
23 After receiving the approval of the local agency formation
24 commission, the board of directors may, by ordinance, divest
25 itself of that power.

26 (b) Notwithstanding subdivision (a) of Section 56824.14, the
27 local agency formation commission shall not, after a public
28 hearing called and held for that purpose pursuant to subdivisions
29 (b) and (c) of Section 56824.14, approve a district's proposal to
30 exercise a latent power if the local agency formation commission
31 determines that another local agency already provides
32 substantially similar services or facilities to the territory where
33 the district proposes to exercise that latent power.

34 (c) If a board of directors desires to divest itself of a power
35 that is authorized pursuant to this chapter and if the termination
36 of that power would not require another public agency to provide
37 a new or higher level of services or facilities, the board of
38 directors may, by ordinance, divest itself of that power.

39 *SEC. 9.5. Section 61116 of the Government Code is amended*
40 *to read:*

1 61116. (a) A district may accept any revenue, money, grants,
2 goods, or services from any federal, state, regional, or local
3 agency or from any person for any lawful purpose of the district.

4 (b) In addition to any other existing authority, a district may
5 borrow money and incur indebtedness pursuant to Article 7
6 (commencing with Section 53820), Article 7.5 (commencing
7 with Section 53840), Article 7.6 (commencing with Section
8 53850), and Article 7.7 (commencing with Section 53859) of
9 Chapter 4 of Part 1 of Division 2 of Title 5.

10 SEC. 10. Section 65457 of the Government Code is amended
11 to read:

12 65457. (a) Any residential development project, including
13 any subdivision, or any zoning change that is undertaken to
14 implement and is consistent with a specific plan for which an
15 environmental impact report has been certified after January 1,
16 1980, is exempt from the requirements of Division 13
17 (commencing with Section 21000) of the Public Resources Code.
18 However, if after adoption of the specific plan, an event as
19 specified in Section 21166 of the Public Resources Code occurs,
20 the exemption provided by this subdivision does not apply unless
21 and until a supplemental environmental impact report for the
22 specific plan is prepared and certified in accordance with the
23 provisions of Division 13 (commencing with Section 21000) of
24 the Public Resources Code. After a supplemental environmental
25 impact report is certified, the exemption specified in this
26 subdivision applies to projects undertaken pursuant to the
27 specific plan.

28 (b) An action or proceeding alleging that a public agency has
29 approved a project pursuant to a specific plan without having
30 previously certified a supplemental environmental impact report
31 for the specific plan, where required by subdivision (a), shall be
32 commenced within 30 days of the public agency's decision to
33 carry out or approve the project.

34 SEC. 11. Section 66016 of the Government Code is amended
35 to read:

36 66016. (a) Prior to levying a new fee or service charge, or
37 prior to approving an increase in an existing fee or service
38 charge, a local agency shall hold at least one open and public
39 meeting, at which oral or written presentations can be made, as
40 part of a regularly scheduled meeting. Notice of the time and

1 place of the meeting, including a general explanation of the
2 matter to be considered, and a statement that the data required by
3 this section is available, shall be mailed at least 14 days prior to
4 the meeting to any interested party who files a written request
5 with the local agency for mailed notice of the meeting on new or
6 increased fees or service charges. Any written request for mailed
7 notices shall be valid for one year from the date on which it is
8 filed unless a renewal request is filed. Renewal requests for
9 mailed notices shall be filed on or before April 1 of each year.
10 The legislative body may establish a reasonable annual charge
11 for sending notices based on the estimated cost of providing the
12 service. At least 10 days prior to the meeting, the local agency
13 shall make available to the public data indicating the amount of
14 cost, or estimated cost, required to provide the service for which
15 the fee or service charge is levied and the revenue sources
16 anticipated to provide the service, including General Fund
17 revenues. Unless there has been voter approval, as prescribed by
18 Section 66013 or 66014, no local agency shall levy a new fee or
19 service charge or increase an existing fee or service charge to an
20 amount which exceeds the estimated amount required to provide
21 the service for which the fee or service charge is levied. If,
22 however, the fees or service charges create revenues in excess of
23 actual cost, those revenues shall be used to reduce the fee or
24 service charge creating the excess.

25 (b) Any action by a local agency to levy a new fee or service
26 charge or to approve an increase in an existing fee or service
27 charge shall be taken only by ordinance or resolution. The
28 legislative body of a local agency shall not delegate the authority
29 to adopt a new fee or service charge, or to increase a fee or
30 service charge.

31 (c) Any costs incurred by a local agency in conducting the
32 meeting or meetings required pursuant to subdivision (a) may be
33 recovered from fees charged for the services which were the
34 subject of the meeting.

35 (d) This section shall apply only to fees and charges as
36 described in Sections 51287, 56383, 65104, 65456, 65584.1,
37 65863.7, 65909.5, 66013, 66014, and 66451.2 of this code,
38 Sections 17951, 19132.3, and 19852 of the Health and Safety
39 Code, Section 41901 of the Public Resources Code, and Section
40 21671.5 of the Public Utilities Code.

1 (e) Any judicial action or proceeding to attack, review, set
2 aside, void, or annul the ordinance, resolution, or motion levying
3 a fee or service charge subject to this section shall be brought
4 pursuant to Section 66022.

5 *SEC. 11.5. Section 66448 of the Government Code is*
6 *amended to read:*

7 66448. In all cases where a parcel map is required, ~~such the~~
8 *parcel* map shall be based upon a field survey made in
9 conformity with the Land Surveyors Act when required by local
10 ordinance, or, in absence of ~~such that~~ requirement, shall be based
11 either upon a field survey made in conformity with the Land
12 Surveyors Act or be compiled from recorded or filed data when
13 sufficient ~~recorded or filed survey information~~ *monumentation*
14 *presently exists on filed maps to locate and retrace to enable the*
15 *retracement of the exterior boundary lines of the parcel map if*
16 ~~the location of at least one of these boundary lines can be~~
17 ~~established from an existing monumented line and the~~
18 *establishment of the interior parcel or lot lines of the parcel map.*

19 *SEC. 12. Section 66499.7 of the Government Code is*
20 *amended to read:*

21 66499.7. The security furnished by the subdivider shall be
22 released in whole or in part in the following manner:

23 (a) Security given for faithful performance of any act or
24 agreement shall be released upon the performance of the act or
25 final completion and acceptance of the required work. The
26 legislative body may provide for the partial release of the
27 security upon the partial performance of the act or the acceptance
28 of the work as it progresses, consistent with the provisions of this
29 section. The security may be a surety bond, a cash deposit, a
30 letter of credit, escrow account, or other form of performance
31 guarantee required as security by the legislative body that meets
32 the requirements as acceptable security pursuant to law. If the
33 security furnished by the subdivider is a documentary evidence
34 of security such as a surety bond or a letter of credit, the
35 legislative body shall release the documentary evidence and
36 return the original to the issuer upon performance of the act or
37 final completion and acceptance of the required work. In the
38 event that the legislative body is unable to return the original
39 documentary evidence to the issuer, the security shall be released
40 by written notice sent by certified mail to the subdivider and

1 issuer of the documentary evidence within 30 days of the
2 acceptance of the work. The written notice shall contain a
3 statement that the work for which the security was furnished has
4 been performed or completed and accepted by the legislative
5 body, a description of the project subject to the documentary
6 evidence and the notarized signature of the authorized
7 representative of the legislative body.

8 (b) At the time that the subdivider believes that the obligation
9 to perform the work for which security was required is complete,
10 the subdivider may notify the local agency in writing of the
11 completed work, including a list of work completed. Upon
12 receipt of the written notice, the local agency shall have 45 days
13 to review and comment or approve the completion of the
14 required work. If the local agency does not agree that all work
15 has been completed in accordance with the plans and
16 specifications for the improvements, it shall supply a list of all
17 remaining work to be completed.

18 (c) Within 45 days of receipt of the list of remaining work
19 from the local agency, the subdivider may then provide cost
20 estimates for all remaining work for review and approval by the
21 local agency. Upon receipt of the cost estimates, the local agency
22 shall then have 45 days to review, comment, and approve,
23 modify, or disapprove those cost estimates. No local agency shall
24 be required to engage in this process of partial release more than
25 once between the start of work and completion and acceptance of
26 all work; however, nothing in this section prohibits a local
27 agency from allowing for a partial release as it otherwise deems
28 appropriate.

29 (d) If the local agency approves the cost estimate, the local
30 agency shall release all performance security except for security
31 in an amount up to 200 percent of the cost estimate of the
32 remaining work. The process allowing for a partial release of
33 performance security shall occur when the cost estimate of the
34 remaining work does not exceed 20 percent of the total original
35 performance security unless the local agency allows for a release
36 at an earlier time. Substitute bonds or other security may be used
37 as a replacement for the performance security, subject to the
38 approval of the local agency. If substitute bonds or other security
39 is used as a replacement for the performance security released,
40 the release shall not be effective unless and until the local agency

1 receives and approves that form of replacement security. A
2 reduction in the performance security, authorized under this
3 section, is not, and shall not be deemed to be, an acceptance by
4 the local agency of the completed improvements, and the risk of
5 loss or damage to the improvements and the obligation to
6 maintain the improvements shall remain the sole responsibility of
7 the subdivider until all required public improvements have been
8 accepted by the local agency and all other required improvements
9 have been fully completed in accordance with the plans and
10 specifications for the improvements.

11 (e) The subdivider shall complete the works of improvement
12 until all remaining items are accepted by the local agency.

13 (f) Upon the completion of the improvements, the subdivider,
14 or his or her assigns, shall be notified in writing by the local
15 agency within 45 days.

16 (g) Within 45 days of the issuance of the notification by the
17 local agency, the release of any remaining performance security
18 shall be placed upon the agenda of the legislative body of the
19 local agency for approval of the release of any remaining
20 performance security. If the local agency delegates authority for
21 the release of performance security to a public official or other
22 employee, any remaining performance security shall be released
23 within 60 days of the issuance of the written statement of
24 completion.

25 (h) Security securing the payment to the contractor, his or her
26 subcontractors and to persons furnishing labor, materials or
27 equipment shall, after passage of the time within which claims of
28 lien are required to be recorded pursuant to Article 3
29 (commencing with Section 3114) of Chapter 2 of Title 15 of Part
30 4 of Division 3 of the Civil Code and after acceptance of the
31 work, be reduced to an amount equal to the total claimed by all
32 claimants for whom claims of lien have been recorded and notice
33 thereof given in writing to the legislative body, and if no claims
34 have been recorded, the security shall be released in full.

35 (i) The release shall not apply to any required guarantee and
36 warranty period required by Section 66499.9 for the guarantee or
37 warranty nor to the amount of the security deemed necessary by
38 the local agency for the guarantee and warranty period nor to
39 costs and reasonable expenses and fees, including reasonable
40 attorneys' fees.

(j) The legislative body may authorize any of its public officers or employees to authorize release or reduction of the security in accordance with the conditions hereinabove set forth and in accordance with any rules that it may prescribe.

(k) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 13. Section 2051 of the Health and Safety Code is amended to read:

2051. A district may authorize the members of its board of trustees and its employees to attend professional, educational, or vocational meetings, and pay their actual and necessary traveling and incidental expenses while on official business. The payment of expenses pursuant to this section may be in addition to the payments made pursuant to Section 2030. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 13.5. Section 5471 of the Health and Safety Code is amended to read:

5471. (a) In addition to the powers granted in the principal act, any entity shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges, ~~including water, sewer standby or immediate availability charges,~~ for services and facilities furnished by it, either within or without its territorial limits, in connection with its water, sanitation, storm drainage, or sewerage system. ~~However, the~~

(b) *In addition to the powers granted in the principal act, any entity shall have the power, pursuant to the notice, protest, and hearing procedures in Section 53753 of the Government Code, to prescribe, revise, and collect water, sewer, or sater and sewer standby or immediate availability charges for services and facilities furnished by it, either within or without its territorial limits, in connection with its water, sanitation, storm drainage, or sewerage system.*

(c) The entity may provide that the charge for the service shall be collected with the rates, tolls, and charges for any other utility, and that any or all of these charges may be billed upon the same bill. Where the charge is to be collected with the charges for any

1 other utility service furnished by a department or agency of the
2 entity and over which its legislative body does not exercise
3 control, the consent of the department or agency shall be
4 obtained prior to collecting water, sanitation, storm drainage, or
5 sewerage charges with the charges for any other utility. Revenues
6 derived under the provisions in this section, shall be used only
7 for the acquisition, construction, reconstruction, maintenance,
8 and operation of water systems and sanitation, storm drainage, or
9 sewerage facilities, to repay principal and interest on bonds
10 issued for the construction or reconstruction of these water
11 systems and sanitary, storm drainage, or sewerage facilities and
12 to repay federal or state loans or advances made to the entity for
13 the construction or reconstruction of water systems and sanitary,
14 storm drainage, or sewerage facilities. However, the revenue
15 shall not be used for the acquisition or construction of new local
16 street sewers or laterals as distinguished from main trunk,
17 interceptor and outfall sewers.

18 *(d) If the procedures set forth in this section as it read at the*
19 *time a standby charge was established were followed, the entity*
20 *may, by resolution, continue the charge in successive years at the*
21 *same rate. If new, increased, or extended assessments are*
22 *proposed, the entity shall comply with the notice, protest, and*
23 *hearing procedures in Section 53753.*

24 *SEC. 13.6. Section 40980 of the Health and Safety Code is*
25 *amended to read:*

26 40980. (a) The Sacramento district shall, at a minimum, be
27 governed by a district board composed of the Board of
28 Supervisors of the County of Sacramento.

29 (b) If the County of Placer submits a resolution of inclusion,
30 pursuant to Section 40963, one or more elected officials from
31 that county shall be included on the Sacramento district board,
32 pursuant to agreement between that county and the Sacramento
33 district board.

34 (c) (1) ~~On and after July 1, 1994, the~~ *The* membership of the
35 Sacramento district board shall include ~~(A)~~ one or more members
36 who are mayors or city council members, or both, and ~~(B)~~ one or
37 more members who are county supervisors.

38 (2) The number of those members and their composition shall
39 be determined jointly by the counties and cities within the
40 district, and shall be approved by a majority of the counties, and

1 by a majority of the cities which contain a majority of the
2 population in the incorporated area of the district.

3 (d) The governing board shall reflect, to the extent feasible
4 and practicable, the geographic diversity of the district and the
5 variation of population between the cities in the district.

6 (e) (1) ~~The—Except as provided in paragraph (2), the~~
7 members of the governing board who are mayors or city council
8 members shall be selected by the city ~~selection committee if the~~
9 ~~district only contains one county, or a majority of the cities~~
10 ~~within the district if the district contains more than one county~~
11 ~~council of the city that they represent.~~ The members of the
12 governing board who are county supervisors shall be selected by
13 the county if the district only contains one county or a majority
14 of counties within the district if the district contains more than
15 one county.

16 ~~(2) Subsequent appointments to represent a single city within~~
17 ~~the district on the Sacramento district board shall be made by the~~
18 ~~city council of that city at a regularly scheduled city council~~
19 ~~meeting, consistent with state notice requirements.~~

20 ~~(3)~~
21 (2) The city selection committee shall be convened *to select a*
22 *member of the governing board from nominees who are mayors*
23 *or city council members only if there is to be a change in the*
24 ~~board members~~ *a board member* designated to represent more
25 than one city, *and only if more than one of those cities submits*
26 *nominees for that board member position.*

27 (f) (1) If the district fails to comply with subdivision (c),
28 one-third of the members of the governing board shall be mayors
29 or city council members, and two-thirds shall be county
30 supervisors. The number of those members shall be determined
31 as provided in paragraph (2) of subdivision (c), and the members
32 shall be selected pursuant to subdivision (e).

33 (2) For purposes of paragraph (1), if any number which is not
34 a whole number results from the application of the term
35 “one-third” or “two-thirds,” the number of county supervisors
36 shall be increased to the nearest integer, and the number of
37 mayors or city council members decreased to the nearest integer.

38 *SEC. 13.7. Section 20736 of the Public Contract Code is*
39 *amended to read:*

1 20736. (a) All construction authorized under this article that
2 exceeds two thousand five hundred dollars (\$2,500) shall be
3 awarded upon competitive bidding. Notice of the proposed
4 letting of such a contract shall be published pursuant to Section
5 6066 of the Government Code in a newspaper of general
6 circulation in the district or, if there is none, of general
7 circulation in the county, the first publication to be at least two
8 weeks prior to the opening of bids. The notice inviting bids shall
9 set a date for the opening of bids. The contract shall be awarded
10 to the lowest responsible bidder. In its discretion, the board may
11 reject any bids presented and readvertise. If two or more bids are
12 the same and the lowest, the board may accept the one it chooses.
13 If no bids are received, the board may have the work done
14 directly by purchasing the materials and hiring the labor.

15 (b) If all bids are rejected, the board may adopt a resolution,
16 by four-fifths vote, declaring that the work can be performed
17 more economically by hiring day labor, or that the materials or
18 supplies can be furnished at a lower price in the open market, and
19 may have the work done in the manner stated in the resolution in
20 order to take advantage of this lower cost.

21 (c) If there is an emergency, the board may, by four-fifths vote
22 adopt a resolution declaring that the public interest and necessity
23 demand the immediate expenditure of public money to safeguard
24 life, health, or property, and expend any sum required in the
25 emergency without submitting the expenditure to the bidding
26 procedure set forth. If notice for bid to let contracts will not be
27 given, the board shall comply with Chapter 2.5 (commencing
28 with Section 22050).

29 (d) The board may negotiate with the government of the
30 United States or any department or agency thereof, the state or
31 any department or agency thereof, *or* any local public agency for
32 the purpose of assisting the district in the performance of any of
33 the work authorized by this article and, without advertising for
34 bids, may cause the district to contribute to the United States, *the*
35 *State of California*, or any local public agency all or any portion
36 of the estimated cost of any work authorized by this article which
37 is to be done by or under contract with the United States, *the*
38 *State of California*, or any local public agency.

39 SEC. 14. Section 22032 of the Public Contract Code is
40 amended to read:

1 22032. (a) Public projects of thirty thousand dollars
2 (\$30,000) or less may be performed by the employees of a public
3 agency by force account, by negotiated contract, or by purchase
4 order.

5 (b) Public projects of one hundred twenty-five thousand
6 dollars (\$125,000) or less may be let to contract by informal
7 procedures as set forth in this article.

8 (c) Public projects of more than one hundred twenty-five
9 thousand dollars (\$125,000) shall, except as otherwise provided
10 in this article, be let to contract by formal bidding procedure.

11 SEC. 15. Section 22034 of the Public Contract Code is
12 amended to read:

13 22034. Each public agency that elects to become subject to
14 the uniform construction accounting procedures set forth in
15 Article 2 (commencing with Section 22010) shall enact an
16 informal bidding ordinance to govern the selection of contractors
17 to perform public projects pursuant to subdivision (b) of Section
18 22032. The ordinance shall include all of the following:

19 (a) The public agency shall maintain a list of qualified
20 contractors, identified according to categories of work. Minimum
21 criteria for development and maintenance of the contractors list
22 shall be determined by the commission.

23 (b) All contractors on the list for the category of work being
24 bid or all construction trade journals specified in Section 22036,
25 or both all contractors on the list for the category of work being
26 bid and all construction trade journals specified in Section 22036,
27 shall be mailed a notice inviting informal bids unless the product
28 or service is proprietary.

29 (c) All mailing of notices to contractors and construction trade
30 journals pursuant to subdivision (b) shall be completed not less
31 than 10 calendar days before bids are due.

32 (d) The notice inviting informal bids shall describe the project
33 in general terms and how to obtain more detailed information
34 about the project, and state the time and place for the submission
35 of bids.

36 (e) The governing body of the public agency may delegate the
37 authority to award informal contracts to the public works
38 director, general manager, purchasing agent, or other appropriate
39 person.

(f) If all bids received are in excess of one hundred twenty-five thousand dollars (\$125,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred thirty-seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.

SEC. 15.5. Section 5784.2 is added to the Public Resources Code, to read:

5784.2. (a) Notwithstanding any other provision of law, a local agency formation commission, in approving either a consolidation of districts or the reorganization of two or more districts into a single recreation and park district, pursuant to subdivisions (k) and (n) of Section 56886 of the Government Code, may temporarily increase the number of directors to serve on the board of directors of the consolidated or reorganized district to seven or nine, who shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Upon the expiration of the terms of the members of the board of directors of the consolidated or reorganized district, whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number equals five members.

(c) In addition to the powers granted under Section 1780 of the Government Code, in the event of a vacancy on the board of directors of the consolidated or reorganized district at which time the total number of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy. In that event, the total membership of the board of directors shall be reduced by one board member.

(d) For the purposes of this section, the following definitions apply:

(1) "Consolidation" means consolidation as defined in Section 56030 of the Government Code.

(2) "District" or "special district" means district or special district as defined in Section 56036 of the Government Code.

1 (3) “Reorganization” means reorganization as defined in
2 Section 56073 of the Government Code.

3 SEC. 16. Chapter 5 (commencing with Section 5790) of
4 Division 5 of the Public Resources Code is repealed.

5 SEC. 17. Section 13215 of the Public Resources Code is
6 amended to read:

7 13215. The district may, pursuant to the notice, protest, and
8 hearing procedures in Section 53753 of the Government Code,
9 fix by ordinance or resolution, on or before the first day of July
10 in each calendar year, water or sewer standby or immediate
11 availability charges. Each such charge shall not individually
12 exceed twelve dollars (\$12) per year for each acre of land, or
13 eight dollars (\$8) per year for each parcel of land of less than an
14 acre within the district to which water or sewerage could be made
15 available for any purpose by the district, whether the water or
16 sewerage is actually used or not, unless the standby charge is
17 imposed pursuant to the Uniform Standby Charge Procedures
18 Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of
19 Division 2 of Title of the Government Code. The district board
20 may establish schedules varying the charges depending upon
21 factors such as the uses to which the land is put, the cost of
22 supplying such services to the land, and the amount of services
23 used on the land. The district board may restrict the imposition of
24 such charges to lands lying within one or more improvement
25 districts within the district.

26 The limitations contained in this section shall not apply to any
27 district which levied a standby charge pursuant to the County
28 Service Area Law, Chapter 2.2 (commencing with Section
29 25210.1) Part 2, Division 2, of Title 3 of the Government Code
30 prior to January 1, 1977. Any such district shall be subject to the
31 provisions of Section 25210.77b of the Government Code.

32 SEC. 18. Section 13216 of the Public Resources Code is
33 amended to read:

34 ~~13216. The ordinance or resolution fixing standby or~~
35 ~~immediate availability charges shall be adopted only after~~
36 ~~adoption of a resolution setting forth the particular schedule of~~
37 ~~charges proposed to be established and after notice and hearing~~
38 ~~in the manner prescribed by Section 54354.5 of the Government~~
39 ~~Code. If the procedures set forth in this section as it read at the~~
40 ~~time a standby or immediate availability charge was established~~

1 *were followed, the district board may, by ordinance or*
2 *resolution, continue the charge in successive years at the same*
3 *rate. If new, increased, or extended assessments are proposed,*
4 *the district board shall comply with the notice, protest, and*
5 *hearing procedures in Section 53753.*

6 *SEC. 19. Section 16475 of the Public Utilities Code is*
7 *amended to read:*

8 16475. (a) A public utility district which acquires, constructs,
9 owns, operates, controls or uses works for supplying its
10 inhabitants with water, may, *pursuant to the notice, protest, and*
11 *hearing procedures in Section 53753 of the Government Code,*
12 ~~fix and collect charges in the manner provided in Articles 3 and~~
13 ~~8, Chapter 4, Division 7 of the Public Utilities Code,~~ for a water
14 standby or immediate availability charge on all land within its
15 boundaries to which water is made available for any purpose by
16 the district, whether the water is actually used or not, except that
17 such charge shall not supply to lands permanently dedicated
18 exclusively to transportation of persons or property. *If the*
19 *procedures set forth in this section as it read at the time a*
20 *standby charge was established were followed, the district's*
21 *board of directors may, by resolution, continue the charge in*
22 *successive years at the same rate. If new, increased, or extended*
23 *assessments are proposed, the district shall comply with the*
24 *notice, protest, and hearing procedures in Section 53753.*

25 (b) The board of directors of the district which fixes such a
26 charge may establish schedules varying the charges in different
27 months and in different localities within a public utility district
28 depending upon factors such as the uses to which the land is put,
29 the cost of transporting the water to the land, the degree of
30 availability or quantity of use of such water to the affected lands.
31 The board may not, however, fix an annual charge in excess of
32 ten dollars (\$10) per acre or in excess of five dollars (\$5) for
33 parcel of less than one acre, *unless the standby charge is imposed*
34 *pursuant to the Uniform Standby Charge Procedures Act,*
35 *Chapter 12.4 (commencing with Section 54984) of Part 1 of*
36 *Division 2 of Title 5 of the Government Code.*

37 (c) If a person for more than one year obtains substantially all
38 of his water requirements for the contiguous parcels of land
39 which he occupies from rainfall, springs, streams, lakes, rivers or
40 wells, and if the person's primary economic activity on such land

1 is the commercial extraction or processing of minerals, such land
2 shall be exempt from any water standby or availability charges.

3 (d) Any funds derived from the charges levied pursuant to this
4 section may be used by the district for all purposes which a
5 public utility district is authorized to expend funds insofar as said
6 purposes relate to the acquisition, construction, operation, control
7 or use of works for supplying its inhabitants with water.

8 *SEC. 20. Section 16476 of the Public Utilities Code is*
9 *repealed.*

10 ~~16476. Notwithstanding subdivision (b) of Section 16475, the~~
11 ~~Board of Directors of the Tahoe City Public Utility District, the~~
12 ~~Board of Directors of the North Tahoe Public Utility District, and~~
13 ~~the Board of Directors of the South Tahoe Public Utility District~~
14 ~~shall all have the authority, until July 1, 1984, to fix, for each~~
15 ~~fiscal year, such water standby or immediate availability charges~~
16 ~~at not to exceed twenty dollars (\$20) per acre or any parcel of~~
17 ~~less than one acre; provided, that any funds derived from a~~
18 ~~charge in excess of the maximum amount authorized by~~
19 ~~subdivision (b) of Section 16475 shall only be used to pay for the~~
20 ~~acquisition of nonpublic domestic water supply systems, and the~~
21 ~~maintenance and operation of domestic water supply systems~~
22 ~~owned by the respective districts on January 1, 1976, or acquired~~
23 ~~on or after such date.~~

24 ~~This section, applicable only to the Tahoe City Public Utility~~
25 ~~District, the North Tahoe Public Utility District, and the South~~
26 ~~Tahoe Public Utility District, is necessary because of the unique~~
27 ~~and special water management problems of those areas of the~~
28 ~~Lake Tahoe Basin.~~

29 *SEC. 21. Section 16477 of the Public Utilities Code is*
30 *amended to read:*

31 16477. Notwithstanding Section 16475, the Board of
32 Directors of the Fallbrook Public Utility District may, *pursuant*
33 *to the notice, protest, and hearing procedures in Section 53753*
34 *of the Government Code,* fix and collect an annual water standby
35 or immediate availability charge. *The standby or immediate*
36 *availability charge shall not to exceed thirty dollars (\$30) per*
37 *acre or any parcel of less than one acre, unless the standby or*
38 *immediate availability charge is imposed pursuant to the*
39 *Uniform Standby Charge Procedures Act. Chapter 12.4*

1 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
2 *5 of the Government Code.*

3 The Legislature hereby finds and declares that this section,
4 applicable only to the Fallbrook Public Utility District, is
5 necessary because of the unique and special water management
6 problems within that district.

7 *SEC. 22. Section 16478 of the Public Utilities Code is*
8 *amended to read:*

9 16478. The Board of Directors of the Tahoe City Public
10 Utility District, the Board of Directors of the South Tahoe Public
11 Utility District, and the Board of Directors of the North Tahoe
12 Public Utility District shall each have the authority to fix and
13 collect an annual standby charge for sewage service on all lands
14 within the district under its jurisdiction, in such amount as the
15 board shall specify, provided that such standby charge for
16 sewage service shall not exceed ten dollars (\$10) per acre for
17 parcels in excess of one acre or twenty dollars (\$20) per parcel
18 for parcels less than one acre, *unless the standby charge is*
19 *imposed pursuant to the Uniform Standby Charge Procedures*
20 *Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of*
21 *Division 2 of Title 5 of the Government Code.*

22 The standby charge authorized by this section shall be imposed
23 ~~initially only after a public hearing thereon pursuant to the~~
24 ~~notice, protest, and hearing procedures in Section 53753 of the~~
25 ~~Government Code. In the event that the board of directors~~
26 ~~proposes to impose such a standby charge, they shall call a public~~
27 ~~hearing on the proposal and shall give notice thereof as provided~~
28 ~~in Government Code Section 6062a. Such a~~ If the procedures set
29 forth in this section as it read at the time a standby charge was
30 established were followed, *that charge may be levied at the same*
31 *rate* in subsequent years without the requirement of a hearing,
32 ~~provided that a hearing shall be required in any year in which the~~
33 ~~board of directors proposes to alter the rate of such charge if new,~~
34 ~~increased, or extended assessments are proposed, the board of~~
35 ~~directors shall comply with the notice, protest, and hearing~~
36 ~~procedures in Section 53753 of the Government Code.~~

37 The Legislature hereby finds and declares that this section,
38 applicable only to the Tahoe City Public Utility District, the
39 South Tahoe Public Utility District, and the North Tahoe Public
40 Utility District is necessary because of the unique and special

1 water management, pollution, and sewage disposal problems of
2 the Lake Tahoe Basin.

3 ~~SEC. 17.~~

4 SEC. 23. Section 2215 of the Revenue and Taxation Code is
5 amended to read:

6 2215. "Special district" means any agency of the state for the
7 local performance of governmental or proprietary functions
8 within limited boundaries. "Special district" includes a county
9 service area, a maintenance district or area, an improvement
10 district or improvement zone, or any other zone or area, formed
11 for the purpose of designating an area within which a property
12 tax rate will be levied to pay for a service or improvement
13 benefiting that area. "Special district" does not include a city, a
14 county, a school district or a community college district. "Special
15 district" does not include any agency which is not authorized by
16 statute to levy a property tax rate or receive an allocation of
17 property tax revenues. However, for the purpose of the allocation
18 of property taxes pursuant to Chapter 6 (commencing with
19 Section 95) of Part 0.5, and notwithstanding Section 2237, any
20 special district authorized to levy a property tax or receive an
21 allocation of property tax by the statute under which the district
22 was formed shall be considered a special district.

23 SEC. 24. *Section 22280 of the Water Code is amended to*
24 *read:*

25 22280. Any district may in lieu in whole or in part of levying
26 assessments fix and collect charges for any service furnished by
27 the district, including, but not limited to, all of the following:

28 (a) (1) Use, sale, or lease of water, which may include,
29 *pursuant to the notice, protest, and hearing procedures in*
30 *Section 53753 of the Government Code*, a stand-by charge
31 whether the water is actually used or not.

32 (2) *If the procedures set forth in this section as it read at the*
33 *time a standby charge was established were followed, the district*
34 *may, by resolution, continue the charge in successive years at the*
35 *same rate. If new, increased, or extended assessments are*
36 *proposed, the district shall comply with the notice, protest, and*
37 *hearing procedures in Section 53753.*

38 (b) Delivery of water for irrigation in excess of a specified
39 quantity per unit of land.

1 (c) Water and the service thereof required by law or provisions
2 of agreements under which all or part of the water supply of the
3 district was acquired to be furnished outside its boundaries to
4 consumers whose rights to service were at the time the supply of
5 water was acquired by the district enforceable by reason of their
6 status as persons of the class for whose benefit the water was
7 appropriated or dedicated.

8 (d) Use of water for power purposes.

9 (e) Sale of electric power.

10 (f) Connections to new pipelines or extensions of existing
11 pipelines required to serve water to lands in the district not
12 adjacent to existing distribution works and which have been
13 constructed in whole or in part at the expense of the district.

14 (g) Services performed under contracts made pursuant to
15 Section 22234.

16 (h) Use of water for groundwater recharge.

17 SEC. 25. *Section 31031 of the Water Code is amended to*
18 *read:*

19 31031. A district may, *pursuant to the notice, protest, and*
20 *hearing procedures in Section 53753 of the Government Code,*
21 *fix, on or before the first day of July in each calendar year, a*
22 *water standby or availability charge of not to. The water standby*
23 *or availability charge shall not exceed ten dollars (\$10) per acre*
24 *per year for each acre of land, or ten dollars (\$10) per year for*
25 *each parcel of land less than an acre within the district to which*
26 *water is made available for any purpose by the district, whether*
27 *the water is actually used or not, unless the standby charge is*
28 *imposed pursuant to the Uniform Standby Charge Procedures*
29 *Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of*
30 *Division 2 of Title 5 of the Government Code. The board of*
31 *directors of a district which fixes such a charge may establish*
32 *schedules varying such charge according to the land uses and the*
33 *degree of availability or quantity of use of such water to the*
34 *affected lands, and may restrict such that charge to lands lying*
35 *within one or more improvement districts within such that*
36 *district. If the procedures set forth in this section as it read at the*
37 *time a standby charge was established were followed, the board*
38 *of directors may, by resolution, continue the charge in successive*
39 *years at the same rate. If new, increased, or extended*

1 *assessments are proposed, the board shall comply with the*
2 *notice, protest, and hearing procedures in Section 53753.*

3 *SEC. 26. Section 31031.8 of the Water Code is amended to*
4 *read:*

5 31031.8. Notwithstanding any other provision of this
6 division, the Tuolumne Regional Water District, ~~by a four-fifths~~
7 ~~vote of the members of the board of directors,~~ may, pursuant to
8 *the notice, protest, and hearing procedures in Section 53753 of*
9 *the Government Code,* fix, levy, and collect a water standby or
10 availability charge of ~~not more than~~. ~~The water standby or~~
11 ~~availability charge shall not exceed thirty dollars (\$30) per acre~~
12 ~~per year for each acre of land, or thirty dollars (\$30) per year for~~
13 ~~each parcel of land less than an acre, to which water is made~~
14 ~~available for any purpose by the district, by using any of the~~
15 ~~alternate methods and in the same manner and under the same~~
16 ~~terms and conditions as are provided in Sections 31031 and~~
17 ~~31032 and Sections 31032.1 to 31032.9, inclusive; unless the~~
18 *standby charge is imposed pursuant to the Uniform Standby*
19 *Charge Procedures Act, Chapter 12.4 (commencing with Section*
20 *54984) of Part 1 of Division 2 of Title 5 of the Government Code.*
21 *If the procedures set forth in this section as it read at the time a*
22 *standby charge was established were followed, the Tuolumne*
23 *Regional Water District may, by a four-fifths vote of the members*
24 *of the board of directors, continue the charge in successive years*
25 *at the same rate. If new, increased, or extended assessments are*
26 *proposed, the board shall comply with the notice, protest, and*
27 *hearing procedures in Section 53753.*

28 *SEC. 27. Section 31032.1 of the Water Code is amended to*
29 *read:*

30 31032.1. A district may, pursuant to the notice, protest, and
31 hearing procedures in Section 53753 of the Government Code,
32 fix, as an alternative to the charge prescribed by Section 31031,
33 in each fiscal year, water standby or availability assessments of
34 not to exceed thirty dollars (\$30) per acre per year for each acre
35 of land, or thirty dollars (\$30) per year for each parcel of land
36 less than an acre within the district to which water is made
37 available for any purpose by the district, whether the water is
38 actually used or not, *unless the standby charge is imposed*
39 *pursuant to the Uniform Standby Charge Procedures Act,*
40 *Chapter 12.4 (commencing with Section 54984) of Part 1 of*

1 *Division 2 of Title 5 of the Government Code.* The board of
2 directors of a district that fixes the assessment may establish
3 schedules varying the assessment according to the land uses and
4 the degree of availability or quantity of use of water to the
5 affected lands, and may restrict the assessment to lands lying
6 within one or more improvement districts within the district. *If*
7 *the procedures set forth in this section as it read at the time a*
8 *standby charge was established were followed, the board of*
9 *directors may, by resolution, continue the charge in successive*
10 *years at the same rate. If new, increased, or extended*
11 *assessments are proposed, the board shall comply with the*
12 *notice, protest, and hearing procedures in Section 53753.*

13 A district may elect to have the assessments for the fiscal year
14 collected on the tax roll in the same manner, by the same persons
15 and at the same time as, together with and not separately from, its
16 general taxes. In that event, it shall cause a written report to be
17 prepared and filed with the secretary which report shall contain a
18 description of each parcel of real property and the amount of the
19 assessment for each parcel for the year.

20 *SEC. 28. Section 31032.10 of the Water Code is amended to*
21 *read:*

22 31032.10. (a) Notwithstanding any other provision of this
23 division, the Yorba Linda County Water District may, *pursuant*
24 *to the notice, protest, and hearing procedures in Section 53753*
25 *of the Government Code*, fix, in each fiscal year, within
26 Improvement District No. 2 of the district, water standby or
27 availability assessments of not to exceed two hundred fifty
28 dollars (\$250) per year for (1) each acre or portion thereof or, in
29 the alternative, (2) each residential unit, or the equivalent thereof
30 as to property designated for other than residential purposes, not
31 to exceed the maximum number of residential units or the
32 equivalent thereof established in the General Plan for the
33 property within Improvement District No. 2 adopted by the City
34 of Yorba Linda on June 1, 1981, regardless of any amendment or
35 revision of the General Plan, whether or not residential unit or
36 the equivalent thereof is actually constructed and whether the
37 water is actually used or not. The Board of Directors of the
38 Yorba Linda County Water District shall establish schedules
39 varying the assessment according to the land uses and the degree
40 of availability or quantity of use of the water to the affected lands

1 within Improvement District No. 2. If the assessment is to be
2 collected on the basis of units, the written consent of the owner
3 of the property to be assessed on the basis of units shall be
4 obtained.

5 (b) The Yorba Linda County Water District may elect to have
6 the assessments authorized by subdivision (a) for the fiscal year
7 collected on the tax roll in the same manner, by the same
8 persons, and at the same time as, and together with and not
9 separately from, county taxes. In that event, the district shall
10 prepare a written report which shall be filed with the secretary.
11 The report shall contain a description of each parcel of real
12 property and the amount of the assessment for each parcel for the
13 year. If the assessment is to be assessed on a residential unit or
14 equivalent basis as described in subdivision (a), the assessment
15 for each assessor's parcel shall be determined by multiplying the
16 estimated number of residential units or the equivalent thereof
17 proposed at that time for the assessor's parcel by the proposed
18 amount per residential unit as shown in the assessor's parcels in
19 Improvement District No. 2 for the particular fiscal year.

20 (c) The water standby or availability assessment authorized by
21 this section shall not be imposed on any subdivided parcel upon
22 which there exists a residential unit which has been connected to
23 domestic water facilities of the Yorba Linda County Water
24 District.

25 ~~(d) The procedures set forth in Sections 31032.2 to 31032.9,~~
26 ~~inclusive, shall apply to any assessments imposed pursuant to~~
27 ~~subdivision (a). If the procedures set forth in this section as it~~
28 ~~read at the time a standby or availability assessment was~~
29 ~~established were followed, the district may, by resolution,~~
30 ~~continue the charge in successive years at the same rate. If new,~~
31 ~~increased, or extended assessments are proposed, the district~~
32 ~~shall comply with the notice, protest, and hearing procedures in~~
33 ~~Section 53753.~~

34 (e) This section shall have no force or effect after January 1,
35 1989, except to the extent necessary to raise funds for interest or
36 principal payments on bonds of Improvement District No. 2
37 issued prior to such date.

38 SEC. 29. Section 31032.12 of the Water Code is amended to
39 read:

31032.12. (a) Notwithstanding any other provision of this division, the Yorba Linda County Water District may, *pursuant to the notice, protest, and hearing procedures in Section 53753 of the Government Code*, fix, in each fiscal year, within Improvement District No. 1 of the district, water standby or availability assessments of not to exceed ninety dollars (\$90) per year for each acre or portion thereof, *unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code*. The Board of Directors of the Yorba Linda County Water District may vary the assessment according to the land uses and the degree of availability or quantity of use of water upon the affected lands within Improvement District No. 1.

(b) The Yorba Linda County Water District may elect to have the assessments authorized by subdivision (a) for the fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time, as, and together with and not separately from, county taxes. In that event, the district shall prepare a written report which shall be filed with the secretary. The report shall contain a description of each parcel of real property and the amount of the assessment for each parcel for the year.

(c) The water standby or availability assessment authorized by this section shall not be imposed on any subdivided parcel with respect to which building permits have been issued prior to March 1 of each year or which has been connected to domestic water facilities of the Yorba Linda County Water District prior to July 1 of each year.

~~(d) The procedures set forth in Sections 31032.2 to 31032.9, inclusive, shall apply to any assessments imposed pursuant to subdivision (a).~~ *If the procedures set forth in this section as it read at the time a standby charge was established were followed, the board of directors may, by resolution, continue the charge in successive years at the same rate. If new, increased, or extended assessments are proposed, the board shall comply with the notice, protest, and hearing procedures in Section 53753.*

(e) The purpose of this section is to provide a method whereby the Yorba Linda County Water District may more fairly allocate the cost of providing capital water facilities among the lands and

1 present and future inhabitants of Improvement District No. 1
2 according to the benefit received. Accordingly, the proceeds of
3 the assessment authorized by subdivision (a) shall be used only:
4 (1) to supplement the proceeds of the ad valorem property tax
5 levied by the Yorba Linda County Water District within
6 Improvement District No. 1 to pay debt service on the Series A
7 and Series B 1978 Water Bonds and additional general obligation
8 bonded indebtedness, not to exceed the amount of five million
9 dollars (\$5,000,000), of the Improvement District No. 1; and (2)
10 to pay the cost of the proceedings incurred pursuant to this
11 section.

12 *SEC. 30. Section 31104 of the Water Code is amended to*
13 *read:*

14 31104. A district may, *pursuant to the notice, protest, and*
15 *hearing procedures in Section 53753 of the Government Code,*
16 *fix, levy and collect a sewage and waste service standby or*
17 *availability charge in any of the alternate methods and in the*
18 *same manner and under the same terms and conditions as are*
19 *provided for a water standby or availability charge in Sections*
20 *31031, 31032 and 31032.1 to 31032.9, inclusive. If the*
21 *procedures set forth in this section as it read at the time a*
22 *standby charge was established were followed, the county board*
23 *of supervisors may, by resolution, continue the charge in*
24 *successive years at the same rate. If new, increased, or extended*
25 *assessments are proposed, the board shall comply with the*
26 *notice, protest, and hearing procedures in Section 53753.*

27 *SEC. 31. Section 31104.5 of the Water Code is amended to*
28 *read:*

29 31104.5. In lieu of the standby or availability charge
30 authorized to be levied and collected pursuant to Section 31104,
31 the Crescenta Valley County Water District, ~~by an ordinance~~
32 ~~approved by a two-thirds vote of the members of the legislative~~
33 ~~body thereof,~~ *may, pursuant to the notice, protest, and hearing*
34 *procedures in Section 53753 of the Government Code, fix, levy,*
35 *and collect a sewage and waste service standby or availability*
36 *charge not to exceed sixty dollars (\$60) per available sewer*
37 *connection per year in any of the alternate methods and in the*
38 *same manner and under the same terms and conditions as are*
39 *provided for a water standby or availability charge in Sections*
40 *31031, 31032, and 31032.1 to 31032.9, inclusive, unless the*

1 *standby or availability charge is imposed pursuant to the*
2 *Uniform Standby Charge Procedures Act, Chapter 12.4*
3 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
4 *5 of the Government Code. If the procedures set forth in this*
5 *section as it read at the time a standby charge was established*
6 *were followed, the Crescenta Valley County Water District may,*
7 *by an ordinance approved by a two-thirds vote of the members of*
8 *the legislative body thereof, continue the charge in successive*
9 *years at the same rate. If new, increased, or extended*
10 *assessments are proposed, the district shall comply with the*
11 *notice, protest, and hearing procedures in Section 53753.*

12 *SEC. 32. Section 31104.7 of the Water Code is amended to*
13 *read:*

14 *31104.7. Notwithstanding any other provision of this*
15 *division, the Tuolumne Regional Water District, ~~by a four-fifths~~*
16 *~~vote of the members of the board of directors,~~ may, pursuant to*
17 *the notice, protest, and hearing procedures in Section 53753 of*
18 *the Government Code, fix, levy, and collect a sewage and waste*
19 *service standby or availability charge of not more than thirty*
20 *dollars (\$30) per acre per year for each acre of land, or thirty*
21 *dollars (\$30) per year for each parcel of land less than an acre, to*
22 *which sewer service is made available by the district, ~~by using~~*
23 *~~any of the alternate methods and in the same manner and under~~*
24 *~~the same terms and conditions as are provided in Sections 31031~~*
25 *~~and 31032 and Sections 31032.1 to 31032.9, inclusive unless the~~*
26 *standby or availability charge is imposed pursuant to the*
27 *Uniform Standby Charge Procedures Act, Chapter 12.4*
28 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
29 *5 of the Government Code. If the procedures set forth in this*
30 *section as it read at the time a standby or availability charge was*
31 *established were followed, the Tuolumne Regional Water District*
32 *may, by a four-fifths vote of the members of the board of*
33 *directors, continue the charge in successive years at the same*
34 *rate. If new, increased, or extended assessments are proposed,*
35 *the district shall comply with the notice, protest, and hearing*
36 *procedures in Section 53753.*

37 *SEC. 33. Section 31104.8 of the Water Code is amended to*
38 *read:*

39 *31104.8. (a) Notwithstanding any other provision of this*
40 *division, the Santa Ana Mountains County Water District may,*

1 *pursuant to the notice, protest, and hearing procedures in*
2 *Section 53753 of the Government Code, fix, in each fiscal year,*
3 *within Community Facilities District No. 2 of the district, sewage*
4 *and waste service standby or availability assessments of not more*
5 *than two hundred fifty dollars (\$250) per year for each acre or*
6 *portion thereof to which sewage and waste service is*
7 *immediately available, unless the standby or availability*
8 *assessment is imposed pursuant to the Uniform Standby Charge*
9 *Procedures Act, Chapter 12.4 (commencing with Section 54984)*
10 *of Part 1 of Division 2 of Title 5 of the Government Code. The*
11 *Board of Directors of the Santa Ana Mountains County Water*
12 *District may establish schedules varying the assessment*
13 *according to the land uses and the degree of availability or*
14 *quantity of use of the sewer capacity to the affected lands.*

15 (b) The Santa Ana Mountains County Water District may elect
16 to have the assessments authorized by subdivision (a) for the
17 fiscal year collected on the tax roll in the same manner, by the
18 same persons, and at the same time, as, and together with and not
19 separately from, county taxes. In that event, the district shall
20 prepare a written report which shall be filed with the secretary.
21 The report shall contain a description of each parcel of real
22 property and the amount of the assessment for each parcel for the
23 year.

24 (c) The sewage and waste service standby or availability
25 assessment authorized by this section shall not be imposed on
26 any subdivided parcel upon which there exists a residential unit
27 which has been connected to domestic sewer facilities of the
28 Santa Ana Mountains County Water District.

29 ~~(d) The procedures set forth in Sections 31032.2 to 31032.9,~~
30 ~~inclusive, apply to any assessments imposed pursuant to~~
31 ~~subdivision (a).~~ *If the procedures set forth in this section as it*
32 *read at the time a standby or availability assessment was*
33 *established were followed, the Santa Ana Mountains County*
34 *Water District may, by resolution, continue the charge in*
35 *successive years at the same rate. If new, increased, or extended*
36 *assessments are proposed, the board shall comply with the*
37 *notice, protest, and hearing procedures in Section 53753.*

38 SEC. 34. Section 35470 of the Water Code is amended to
39 read:

1 35470. Any district formed on or after July 30, 1917, may, in
2 lieu in whole or in part of raising money for district purposes by
3 assessment, make water available to the holders of title to land or
4 the occupants thereon, and may fix and collect charges therefor.
5 *The Pursuant to the notice, protest, and hearing procedures in*
6 *Section 53753 of the Government Code, the charges may include*
7 standby charges to holders of title to land to which water may be
8 made available, whether the water is actually used or not. The
9 charges may vary in different months and in different localities
10 of the district to correspond to the cost and value of the service,
11 and the district may use so much of the proceeds of the charges
12 as may be necessary to defray the ordinary operation or
13 maintenance expenses of the district and for any other lawful
14 district purpose.

15 *SEC. 35. Section 35470.1 is added to the Water Code, to*
16 *read:*

17 *35470.1. If the procedures set forth in this article as it read at*
18 *the time a standby charge was established were followed, the*
19 *district may, by resolution, continue the charge in successive*
20 *years at the same rate. If new, increased, or extended*
21 *assessments are proposed, the board shall comply with the*
22 *notice, protest, and hearing procedures in Section 53753.*

23 *SEC. 36. Section 37210.1 is added to the Water Code, to*
24 *read:*

25 *37210.1. In levying a standby charge, the board of any*
26 *district which has elected pursuant to Section 37203 to proceed*
27 *under this part shall comply with the notice, protest, and hearing*
28 *procedures in Section 53753 of the Government Code.*

29 *SEC. 37. Section 37210.2 is added to the Water Code, to*
30 *read:*

31 *37210.2. If the procedures set forth in this part as it read at*
32 *the time a standby charge was established were followed, the*
33 *board may, by resolution, continue the charge in successive*
34 *years at the same rate. If new, increased, or extended*
35 *assessments are proposed, the board shall comply with the*
36 *notice, protest, and hearing procedures in Sections 53753.*

37 *SEC. 38. Section 50902 of the Water Code is amended to*
38 *read:*

39 *50902. (a) In addition to its other powers, a district may, by*
40 *a resolution of the board at a noticed public hearing, fix and*

1 collect charges and fees, including minimum and standby
2 charges, for the provision of benefits and services.

3 (b) Notice of the public hearing shall be given by publication
4 once a week for two successive weeks in a newspaper of general
5 circulation published in the principal county.

6 (c) The board, in fixing the charges and fees, may establish the
7 dates of delinquency and may impose penalties for delinquency
8 not exceeding 10 percent of the amount of the charge or fee and
9 may, in addition, collect interest at a rate not to exceed 1.5
10 percent per month from the date of delinquency on all delinquent
11 charges and fees. The district may sue for the recovery of unpaid
12 charges and fees or the unpaid charges or fees may be added to
13 the operation and maintenance assessment in the same manner as
14 unpaid water charges pursuant to Section 51440.

15 (d) The revenue obtained from charges and fees may be in lieu
16 of, or supplemental to, revenue obtained in any other manner and
17 may be used for any district purpose and the payment of any
18 district obligation.

19 (e) After a charge or fee is initially fixed by the board at a
20 noticed public hearing, the board may subsequently reduce that
21 amount of that charge or fee without notice or a public hearing.

22 (f) *If the procedures set forth in this section as it read at the*
23 *time a standby charge was established were followed, the board*
24 *may, by resolution, continue the charge in successive years at the*
25 *same rate. If new, increased, or extended assessments are*
26 *proposed, the board shall comply with the notice, protest, and*
27 *hearing procedures in Section 53753.*

28 SEC. 39. *Section 50911 of the Water Code is amended to*
29 *read:*

30 50911. When a district has adopted plans for the irrigation of
31 district lands it may:

32 (a) Adopt rules and regulations for the distribution of water.

33 (b) Adopt a schedule of rates to be charged by the district for
34 furnishing water for the irrigation of district lands. The schedule
35 of rates may include standby charges to holders of title to land to
36 which water may be made available, whether the water is
37 actually used or not. The standby charge shall not exceed twenty
38 dollars (\$20) per year for each acre of land or for a parcel less
39 than one acre, *unless the standby charge is imposed pursuant to*
40 *the Uniform Standby Charge Procedures Act, Chapter 12.4*

1 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
2 *5 of the Government Code.*

3 *(c) If the procedures set forth in this section as it read at the*
4 *time a standby charge was established were followed, the district*
5 *may, by resolution, continue the charge in successive years at the*
6 *same rate. If new, increased, or extended assessments are*
7 *proposed, the district shall comply with the notice, protest, and*
8 *hearing procedures in Section 53753.*

9 *(d) Collect the charges from the persons to or for whom the*
10 *water was furnished and from the holders of title to land to which*
11 *water has been made available, whether used or not.*

12 ~~(e)~~

13 *(e) Sue for the recovery of the unpaid charges.*

14 *SEC. 40. Section 52402 of the Water Code is amended to*
15 *read:*

16 *52402. A district may, by resolution or indenture, prescribe*
17 *and revise charges for the services of its properties, works, and*
18 *facilities, singly or as a whole, or for the providing of such*
19 *properties, works, or facilities, or for their availability, including*
20 *minimum and standby charges. If new, increased, or extended*
21 *assessments are proposed, the district shall comply with the*
22 *notice, protest, and hearing procedures in Section 53753 of the*
23 *Government Code.*

24 *SEC. 41. Section 55501.5 of the Water Code is amended to*
25 *read:*

26 *55501.5. A district may, pursuant to the notice, protest, and*
27 *hearing procedures in Section 53753 of the Government Code,*
28 *fix a water service standby or immediate availability charge to be*
29 *applied on an area or frontage or parcel basis, or a combination*
30 *thereof, within the district to be charged to areas to which water*
31 *service is made available for any purpose by the district, whether*
32 *the water service is actually used or not. The district may*
33 *establish schedules varying the charge according to the land uses*
34 *and the degree of availability or quantity of use of the water*
35 *service to the affected lands, and may restrict the charge to lands*
36 *lying within one or more zones or areas of benefits established*
37 *within the district. The district may not, however, except as is*
38 *otherwise provided in this section, fix a charge in excess of thirty*
39 *dollars (\$30) per acre or for a parcel of less than one acre, unless*
40 *the standby charge is imposed pursuant to the Uniform Standby*

1 *Charge Procedures Act, Chapter 12.4 (commencing with Section*
2 *54984) of Part 1 of Division 2 of Title 5 of the Government Code.*

3 *If the procedures set forth in this section as it read at the time*
4 *a standby or availability charge was established were followed,*
5 *the district may, by resolution, continue the charge in successive*
6 *years at the same rate. If new, increased, or extended*
7 *assessments are proposed, the district shall comply with the*
8 *notice, protest, and hearing procedures in Section 53753.*

9 The maximum charge which may be fixed by the district may
10 be increased from one fiscal year to the next by the same
11 percentage increase as reflected by the Consumer Price Index, as
12 issued by the United States Bureau of Labor Statistics, relative to
13 the immediately preceding fiscal year.

14 If a person for more than one year obtains substantially all of
15 his water requirements for the contiguous parcels of land which
16 the person occupies from rainfall, springs, streams, lakes, rivers
17 or wells, and if the person's primary economic activity on the
18 land is the commercial extraction or processing of minerals, the
19 land is exempt from any water standby or availability charges.

20 The district may collect the standby or availability charge by
21 billing the charged lands on a fiscal year basis or by other means
22 available.

23 The district may collect the standby or availability charge as a
24 part of the annual general county tax bill if the district furnishes
25 in writing to the board of supervisors and to the county auditor
26 the description of each parcel for which a charge is to be billed,
27 together with the amount of the charge applicable to each parcel,
28 in sufficient time to meet the schedule established by the county
29 for inclusion of those items on the county general tax bill. The
30 parcel description may be the parcel number assigned by the
31 county assessor to the parcel. In that case, the standby or
32 availability charge is a lien against the parcel of land to which it
33 is charged in the same manner as the county general taxes.
34 Penalties may be collected for late payment of the standby or
35 availability charge, or the amount thereof unpaid, in the manner
36 and at the same rates as that applicable for late payment or the
37 amount thereof unpaid of county general taxes. All laws
38 applicable to the levy, collection, and enforcement of municipal
39 ad valorem taxes are applicable to those charges, except that, if
40 any real property to which the lien would attach has been

transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to the real property and the charge relating to the property shall be transferred to the unsecured roll for collection.

If the district collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 42. Section 55507 of the Water Code is amended to read:

55507. A district may, pursuant to the notice, protest, and hearing procedures in Section 53753 of the Government Code, fix a sewer service standby or immediate availability charge to be applied on a parcel basis within the district to be charged to the parcels to which sewer service is made available by the district, whether the sewer service is actually used or not. The district may establish schedules for the charge, and may restrict the charge to lands lying within one or more zones or areas of benefits established within the district. The district may not, however, except as is otherwise provided in this section, unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code, fix a charge in excess of thirty dollars (\$30) a year for a residential parcel. Commercial or other parcels shall be charged according to equivalent residential parcels, but shall not exceed thirty dollars (\$30) per acre per year, unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code.

~~The maximum charge which may be fixed by the district may be increased from one fiscal year to the next by the same percentage increase as reflected by the Consumer Price Index, as issued by the United States Bureau of Labor Statistics, relative to the immediately preceding fiscal year.~~

If the procedures set forth in this section as it read at the time a standby or availability charge was established were followed,

1 *the district may, by resolution, continue the charge in successive*
2 *years at the same rate. If new, increased, or extended*
3 *assessments are proposed, the district shall comply with the*
4 *notice, protest, and hearing procedures in Section 53753.*

5 The district may collect the standby or availability charge by
6 billing the charged lands on a fiscal year basis or by other means
7 available.

8 The district may collect the standby or availability charge as a
9 part of the annual general county tax bill if the district furnishes
10 in writing to the board of supervisors and to the county auditor
11 the description of each parcel for which a charge is to be billed,
12 together with the amount of the charge applicable to each parcel,
13 in sufficient time to meet the schedule established by the county
14 for inclusion of those items on the county general tax bill. The
15 parcel description may be the parcel number assigned by the
16 county assessor to the parcel. In that case, the standby or
17 availability charge shall become a lien against the parcel of land
18 to which it is charged in the same manner as the county general
19 taxes. Penalties may be collected for late payment of the standby
20 or availability charge, or the amount thereof unpaid, in the
21 manner and at the same rates as that applicable for late payment
22 or the amount thereof unpaid of county general taxes. All laws
23 applicable to the levy, collection, and enforcement of municipal
24 ad valorem taxes are applicable to those charges, except that, if
25 any real property to which the lien would attach has been
26 transferred or conveyed to a bona fide purchaser for value, or if a
27 lien of a bona fide encumbrancer for value has been created and
28 attaches thereon, prior to the date on which the first installment
29 of the taxes would become delinquent, then the lien which would
30 otherwise be imposed by this section shall not attach to the real
31 property and the charge relating to the property shall be
32 transferred to the unsecured roll for collection.

33 If the district collects standby charges through the county
34 general tax bill, the amount of the standby charge and any
35 applicable penalty shall be stated on the tax bill separately from
36 all other taxes, if practicable.

37 *SEC. 43. Section 71630 of the Water Code is amended to*
38 *read:*

39 71630. The district by ordinance may, *pursuant to the notice,*
40 *protest, and hearing procedures in Section 53753 of the*

1 *Government Code*, fix on or before the third Monday of August,
2 in each fiscal year, a water standby assessment or availability
3 charge in the district, in any portion thereof, or in any
4 improvement district, to which water is made available by the
5 district, whether the water is actually used or not.

6 *SEC. 44. Section 71632 of the Water Code is amended to*
7 *read:*

8 71632. The ordinance fixing a standby assessment or
9 availability charge shall be adopted by the board *pursuant to the*
10 *notice, protest, and hearing procedures in Section 53753 of the*
11 *Government Code* and only after adoption of a resolution setting
12 forth the particular schedule or schedules of charges or
13 assessments proposed to be established by ordinance and after a
14 hearing on said resolution. ~~The secretary shall cause notice of a~~
15 ~~time and place of hearing thereon to be published, pursuant to~~
16 ~~Section 6066 of the Government Code, prior to the date set for~~
17 ~~hearing, in a newspaper of general circulation printed and~~
18 ~~published within the district, if there is one, and if not, then in~~
19 ~~such paper printed and published in the county, and shall cause a~~
20 ~~notice in writing to be mailed, prior to the date set for hearing, to~~
21 ~~each person to whom a parcel of real property described in such~~
22 ~~proposed assessment or charge is assessed on the last equalized~~
23 ~~assessment roll. Such notice shall be mailed to the address shown~~
24 ~~on the last equalized assessment roll or known to the secretary.~~

25 ~~At the time, stated in the notice, the board shall hear and~~
26 ~~consider all objections or protests, if any, to the resolution~~
27 ~~referred to in the notice and may continue the hearing from time~~
28 ~~to time. Upon the conclusion of the hearing the board may adopt,~~
29 ~~revise, change, reduce or modify an assessment or charge or~~
30 ~~overrule any or all objections. The board shall make its~~
31 ~~determination upon each assessment or charge as described in the~~
32 ~~resolution which determination shall be final.~~

33 *If the procedures set forth in this section as it read at the time*
34 *a standby assessment or availability charge was established were*
35 *followed, the board may, by ordinance, continue the charge in*
36 *successive years at the same rate. If new, increased, or extended*
37 *assessments are proposed, the board shall comply with the*
38 *notice, protest, and hearing procedures in Section 53753.*

39 *SEC. 45. Section 71638 of the Water Code is amended to*
40 *read:*

1 71638. This alternative procedure may be utilized by a
2 district or for an improvement district therein if the procedure set
3 forth in Article 2 (commencing with Section 71630) of this
4 chapter has been used for the preceding three consecutive years
5 in such district or for such improvement district. *If the procedures*
6 *set forth in this article as it read at the time a standby charge*
7 *was established were followed, the district or improvement*
8 *district may, by resolution, continue the charge in successive*
9 *years at the same rate. If new, increased, or extended*
10 *assessments are proposed, the district or improvement district*
11 *shall comply with the notice, protest, and hearing procedures in*
12 *Section 53753.*

13 SEC. 46. Section 71638.1 of the Water Code is repealed.

14 71638.1. For property within a district, a portion thereof, or
15 an improvement district, which property was previously charged
16 or assessed for such purposes, the district by resolution may fix
17 on or before the third Monday of August, in each fiscal year, a
18 water standby assessment or availability charge in the district, in
19 any portion thereof, or in any improvement district, to which
20 water is made available by the district, whether the water is
21 actually used or not.

22 SEC. 47. Section 71638.2 of the Water Code is repealed.

23 71638.2. The resolution fixing a standby assessment or
24 availability charge may establish schedules varying the charges
25 according to land uses, water uses, and degree of water
26 availability, subject to the maximum charges provided in Section
27 71631.

28 SEC. 48. Section 71638.3 of the Water Code is repealed.

29 71638.3. The secretary shall cause written notice to be mailed
30 to the owner of any affected property which has changed
31 ownership since the last standby assessment or availability
32 charge was fixed and to all persons affected by a proposed
33 increase in the standby assessment or availability charge above
34 the amount set for the preceding year. The notice shall also be
35 published as provided in Section 71632. The notice shall be
36 mailed to the person shown as the owner of the property on the
37 last equalized assessment roll or known to the secretary and shall
38 set forth the time and place the board will consider the matter,
39 together with the schedule of charges proposed to be established.
40 At the time stated in the notice, the board shall hear and consider

1 ~~all objections or protests, if any, to the proposed charges. Upon~~
2 ~~the conclusion of the hearing, the board may adopt, revise,~~
3 ~~change, reduce, or modify an assessment or charge, or overrule~~
4 ~~any or all objections.~~

5 *SEC. 49. Section 71638.4 of the Water Code is amended and*
6 *renumbered to read:*

7 ~~71638.4.~~

8 *71638.1.* The levy and collection of ~~such~~ an assessment or
9 charge shall be made as provided in Sections 71634 ~~through~~ to
10 71637, inclusive.

11 *SEC. 50. Section 3.9 of the Amador County Water Agency Act*
12 *(Chapter 2137 of the Statutes of 1959) is amended to read:*

13 *Sec. 3.9.* The agency may, *pursuant to the notice, protest, and*
14 *hearing procedures in Section 53753 of the Government Code,*
15 *fix standby charges to be applied on an area, or frontage, or*
16 *parcel basis, or a combination thereof, to such areas within the*
17 *agency to which service is made available, whether the service is*
18 *actually used or not, for the purpose of financing or maintaining*
19 *and operating projects which the agency is authorized to*
20 *undertake. The agency may establish schedules varying* ~~such~~
21 *those charges according to the land uses and the degree of*
22 *availability or quantity of use of such service to the affected*
23 *lands, and may restrict* ~~such~~ *that charge to lands lying within one*
24 *or more improvement districts or areas of benefits established*
25 *within* ~~such~~ *the agency; provided, however, that the agency may*
26 *not: (1) fix an annual charge in excess of ten dollars (\$10) for*
27 *each acre or for each parcel of less than one acre, unless the*
28 *standby charge is imposed pursuant to the Uniform Standby*
29 *Charge Procedures Act, Chapter 12.4 (commencing with Section*
30 *54984) of Part 1 of Division 2 of Title 5 of the Government Code;*
31 *(2) apply standby charges to parcels that are being used for the*
32 *production of plant crops, including timber, or livestock for*
33 *market; or (3) apply standby charges to lands situated more than*
34 *one-quarter of a mile from an available main or service*
35 *connection. The agency may collect the standby charges as a part*
36 *of the annual general county tax bill, provided the agency*
37 *furnishes in writing to the board of supervisors and to the county*
38 *auditor the description of each parcel for which a charge is to be*
39 *billed together with the amount of the charge applicable to each*
40 *parcel in sufficient time to meet the schedule established by the*

1 county for inclusion of such items on the county general tax bill.
2 The parcel description may be the parcel number assigned by the
3 county assessor to the parcel. In such cases, the standby charge
4 shall become a lien against the parcel of land to which it is
5 charged in the same manner as the county general taxes.
6 Penalties may be collected for late payment of the standby charge
7 or the amount thereof unpaid in the manner and at the same rates
8 as that applicable for late payment or the amount thereof unpaid
9 of county general taxes. If the agency collects standby charges
10 through the county general tax bill, the amount of the standby
11 charge and any applicable penalty shall be stated on the tax bill
12 separately from all other taxes, if practicable.

13 *If the procedures set forth in this section as it read at the time*
14 *a standby charge was established were followed, the agency may,*
15 *by resolution, continue the charge in successive years at the*
16 *same rate. If new, increased, or extended assessments are*
17 *proposed, the agency shall comply with the notice, protest, and*
18 *hearing procedures in Section 53753 of the Government Code.*

19 SEC. 51. Section 76 of the Antelope Valley-East Kern Water
20 Agency Law (Chapter 2146 of the Statutes of 1959) is amended
21 to read:

22 Sec. 76. The agency, by ordinance, may, pursuant to the
23 notice, protest, and hearing procedures in Section 53753 of the
24 Government Code, fix, on or before the first day of July in any
25 calendar year, a water standby or availability charge within the
26 agency or in any improvement district thereof to which water is
27 made available by the agency through underground or by surface
28 facilities, whether the water is actually used or not. The standby
29 charge shall not exceed ten dollars (\$10) per acre per year for
30 each acre of land within the agency or any improvement district
31 thereof or ten dollars (\$10) per year for any parcel of less than
32 one acre, *unless the standby charge is imposed pursuant to the*
33 *Uniform Standby Charge Procedures Act, Chapter 12.4*
34 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
35 *5 of the Government Code.* ~~The ordinance fixing a standby~~
36 ~~charge shall be adopted by the board only after adoption of a~~
37 ~~resolution setting forth the particular schedule or schedules of~~
38 ~~charges proposed to be established by ordinance and after notice~~
39 ~~and hearing in the manner prescribed in the District~~
40 ~~Reorganization Act of 1965 (commencing with Section 56000 of~~

1 ~~the Government Code~~). The ordinance fixing a standby charge
2 may establish schedules varying the charges according to land
3 uses, water uses, and degree of water availability. On or before
4 the third Monday in August, the board shall furnish in writing to
5 the board of supervisors and the county auditor of each affected
6 county a description of each parcel of land within the agency
7 upon which a standby charge is to be levied and collected for the
8 current fiscal year, together with the amount of standby charge
9 fixed by the district on each parcel of land. The board shall direct
10 that, at the time and in the manner required by law for the
11 levying of taxes for county purposes, the board of supervisors
12 shall levy, in addition to any other tax it levies, a standby charge
13 in the amounts for the respective parcels fixed by the board. All
14 county officers charged with the duty of collecting taxes shall
15 collect agency standby charges with the regular tax payments to
16 the county. Such charges shall be collected in the same form and
17 manner as county taxes are collected and shall be paid to the
18 agency. Charges fixed by the agency shall constitute a lien on the
19 property benefited thereby as of the same time and in the same
20 manner as does the tax lien securing such annual taxes. All laws
21 applicable to the levy, collection and enforcement of municipal
22 ad valorem taxes shall be applicable to such assessment, except
23 that if any real property to which such lien would attach has been
24 transferred or conveyed to a bona fide purchaser for value, or if a
25 lien of a bona fide encumbrancer for value has been created and
26 attached thereon, prior to the date on which the first installment
27 of such taxes would become delinquent, then the lien which
28 would otherwise be imposed by this section shall not attach to
29 such real property and the delinquent and unpaid charges relating
30 to such property shall be transferred to the unsecured roll for
31 collection.

32 *If the procedures set forth in this section as it read at the time*
33 *a standby charge was established were followed, the board may,*
34 *by ordinance, continue the charge in successive years at the*
35 *same rate. If new, increased, or extended assessments are*
36 *proposed, the board shall comply with the notice, protest, and*
37 *hearing procedures in Section 53753 of the Government Code.*

38 *SEC. 52. Section 24.1 of the Castaic Lake Water Agency Law*
39 *(Chapter 28 of the Statutes of 1962, First Extraordinary Session)*
40 *is amended to read:*

1 Sec. 24.1. The agency, by resolution, may, *pursuant to the*
2 *notice, protest, and hearing procedures in Section 53753 of the*
3 *Government Code*, annually fix on the basis of benefit a water
4 standby charge within any water service area of the agency to
5 which water is made available. The agency may cause the water
6 standby charge to be applied on an area or parcel basis, or a
7 combination of both, to benefited lands, whether water available
8 is actually used or not. The agency may fix and establish in its
9 adopting resolution appropriate schedules varying the water
10 standby charges within its water service areas according to the
11 land uses and the degree of availability to affected lands.
12 Availability of water pursuant to this section shall include,
13 without limitation, the agency's contract interests pursuant to the
14 State Water Resources Development System and the agency's
15 property, plant, and distribution facilities. The water standby
16 charge of the agency shall not exceed forty dollars (\$40) per acre
17 per year for each acre of land, or forty dollars (\$40) per year for
18 any parcel of land less than one acre, within any water service
19 area of the agency, *unless the standby charge is imposed*
20 *pursuant to the Uniform Standby Charge Procedures Act,*
21 *Chapter 12.4 (commencing with Section 54984) of Part 1 of*
22 *Division 2 of Title 5 of the Government Code.* The resolution
23 fixing water standby charges shall be adopted by the board of
24 directors only at or after the annual hearing on the formation of
25 water service areas within the agency. The agency may use the
26 proceeds of the water standby charges only for the annual capital
27 budget of the agency, as described in Section 29.1.

28 *If the procedures set forth in this section as it read at the time*
29 *a standby charge was established were followed, the agency may,*
30 *by resolution, continue the charge in successive years at the*
31 *same rate. If new, increased, or extended assessments are*
32 *proposed, the agency shall comply with the notice, protest, and*
33 *hearing procedures in Section 53753 of the Government Code.*

34 On or before the second Monday in August of each year in
35 which a water standby charge is to be levied and collected for the
36 then current fiscal year, the board of directors shall furnish in
37 writing to the county auditor of each affected county the parcel
38 number of each parcel of land within any water service area
39 within the agency upon which a charge is to be levied and
40 collected, together with the amount of the water standby charge

fixed by the agency on each assessed parcel of land subject to the levy. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax, assessment, or charge it levies, a water standby charge in the amounts and on the respective parcels identified by the agency's board. All county officers charged with the duty of collecting, receiving, and disbursing taxes shall collect agency water standby charges with the regular tax payments to the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. The agency shall reimburse the county for its necessary costs and expenses. Any water service charges fixed by the agency shall be liens against the parcels of land against which those charges have been imposed. Liens for those charges shall be of the same force and effect as liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for either state or county taxes.

SEC. 53. Section 420 of the Colusa Basin Drainage District Act (Chapter 1399 of the Statutes of 1987) is amended to read:

Sec. 420. (a) The board may, by resolution following notice and public hearing, fix rates or charges for services provided by the district, ~~including standby charges not to exceed ten dollars (\$10) per year per acre or parcel less than an acre,~~ reflecting the reasonable cost and value of providing that service. If the board determines that rates or charges for services are an appropriate means for raising the cost of those services in lieu of, or in addition to, the assessment provided in Part 7 (commencing with Section 700), the board shall adopt a resolution determining those rates or charges for services provided that are deemed to be appropriate and directing that notice be given of the proposed fixing of rates or charges. The resolution shall identify the nature of the rate or charge proposed to be fixed, the area in which the rate or charge is to be imposed, and the nature of the benefit for which the rate or charge shall be collected.

A notice of the resolution shall be published once a week for two successive weeks in a newspaper of general circulation published in the county seat of each county located within the area as to which the rates or charges are to be made applicable.

1 The notice shall recite the time and date of the hearing to be held
2 by the board upon the proposed rates or charges.

3 At the conclusion of the hearing, the board may adopt a
4 resolution fixing the rates or charges, setting forth the area within
5 which the rate or charge shall be applied, the amount, the charge,
6 and the nature of the service for which the rate or charge is
7 imposed. One week prior to the date on which the rate or charge
8 is made payable, a notice shall be published in the same
9 newspaper of general circulation setting forth the nature and
10 amount of the charge, the due date, the delinquency date, and the
11 penalty and interest to be imposed if not paid prior to
12 delinquency.

13 *(b) The board may, pursuant to the notice, protest, and*
14 *hearing procedures in Section 53753 of the Government Code,*
15 *fix standby charges not to exceed ten dollars (\$10) per year per*
16 *acre or parcel less than an acre, unless the standby charge is*
17 *imposed pursuant to the Uniform Standby Charge Procedures*
18 *Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of*
19 *Division 2 of Title 5 of the Government Code. If the procedures*
20 *set forth in this section as read at the time a standby charge was*
21 *established were followed, the board may, by resolution,*
22 *continue the charge in successive years at the same rate. If new,*
23 *increased, or extended assessments are proposed, the board shall*
24 *comply with the notice, protest, and hearing procedures in*
25 *Section 53753 of the Government Code.*

26 SEC. 54. Section 441 of the Colusa County Flood Control
27 and Water Conservation District Act (Chapter 926 of the Statutes
28 of 1983) is amended to read:

29 Sec. 441. The district shall have authority, by resolution
30 ~~following notice and public hearing~~ *pursuant to the notice,*
31 *protest, and hearing procedures in Section 53753 of the*
32 *Government Code, to levy a standby or carrying charge, not to*
33 ~~exceed ten dollars (\$10) per acre or fraction of acre per year,~~
34 *against each acre of land or fraction thereof to which a service*
35 *provided by the district is available, irrespective of whether the*
36 *service is actually used. The standby or carrying charge shall not*
37 *exceed ten dollars (\$10) per acre or fraction per year, unless the*
38 *standby charge is imposed pursuant to the Uniform Standby*
39 *Charge Procedures Act, Chapter 12.4 (commencing with Section*
40 *54984) of Part 1 of Division 2 of Title 5 of the Government Code.*

1 However, no standby or carrying charge for water service shall
2 be applied to lands situated more than one-quarter of a mile from
3 an available main or service connection. The resolution shall be
4 published one time in a newspaper of general circulation in the
5 district at least seven days before the effective date of the standby
6 charge.

7 *If the procedures set forth in this section as it read at the time*
8 *a standby charge was established were followed, the district may,*
9 *by resolution, continue the charge in successive years at the*
10 *same rate. If new, increased, or extended assessments are*
11 *proposed, the district shall comply with the notice, protest, and*
12 *hearing procedures in Section 53753 of the Government Code.*

13 SEC. 55. *Section 11.5 of the Crestline-Lake Arrowhead Water*
14 *Agency Act (Chapter 40 of the Statutes of 1962, First*
15 *Extraordinary Session) is amended to read:*

16 Sec. 11.5. The agency, by ordinance, may, *pursuant to the*
17 *notice, protest, and hearing procedures in Section 53753 of the*
18 *Government Code*, fix, on or before the first day of July in each
19 calendar year, a water standby or availability charge in any area
20 within the agency boundaries to which wholesale or retail water
21 is made available by the agency, whether the water is actually
22 used or not. The standby charge shall not exceed ten dollars
23 (\$10) per acre per year for each acre of land or parcel less than
24 one acre within the agency boundaries, *unless the standby charge*
25 *is imposed pursuant to the Uniform Standby Charge Procedures*
26 *Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of*
27 *Division 2 of Title 5 of the Government Code.* The ordinance
28 fixing a standby charge may establish schedules varying the
29 charges according to land uses, water uses, and degree of water
30 availability. If any standby charge remains unpaid on the first day
31 of the month before the month in which the board of supervisors
32 of each affected county is required by law to levy the amount of
33 taxes required for county purposes, the amount of the unpaid
34 standby charge shall be added to and become part of the annual
35 tax levied upon the land to which water for which the standby
36 charge is unpaid was available. The amount of the unpaid
37 standby charge shall constitute a lien on that land as of the same
38 time and in the same manner as does the tax lien securing the
39 annual taxes. All laws applicable to the levy, collection, and
40 enforcement of municipal ad valorem taxes shall be applicable to

1 the assessment, except that if any real property to which the lien
2 would attach has been transferred or conveyed to a bona fide
3 purchaser for value, or if a lien of a bona fide encumbrancer for
4 value has been created and attaches thereon, prior to the date on
5 which the first installment of the taxes would become delinquent,
6 then the lien which would otherwise be imposed by this section
7 shall not attach to the real property and the delinquent and unpaid
8 charges relating to the property shall be transferred to the
9 unsecured roll for collection. At least 15 days before the first day
10 of the month in which the board of supervisors of each affected
11 county is required by law to levy the amount of taxes required for
12 county purposes, the board shall furnish in writing to the board of
13 supervisors and the county auditor of each affected county a
14 description of each parcel of land within the agency upon which
15 a standby charge remains unpaid, together with the amount of the
16 unpaid standby charge on each such parcel of land.

17 *If the procedures set forth in this section as it read at the time*
18 *a standby charge was established were followed, the agency may,*
19 *by resolution, continue the charge in successive years at the*
20 *same rate. If new, increased, or extended assessments are*
21 *proposed, the agency shall comply with the notice, protest, and*
22 *hearing procedures in Section 53753 of the Government Code.*

23 SEC. 56. Section 3.8 of the Mariposa County Water Agency
24 Act (Chapter 2036 of the Statutes of 1959) is amended to read:

25 Sec. 3.8. The agency may, pursuant to the notice, protest, and
26 hearing procedures in Section 53753 of the Government Code,
27 fix standby charges to be applied on an area, frontage, or parcel
28 basis, or a combination thereof, to ~~such~~ those areas within the
29 agency to which service is made available, whether the service is
30 actually used or not, for the purpose of financing or maintaining
31 and operating projects which the agency is authorized to
32 undertake. The agency may establish schedules varying ~~such~~ the
33 charges according to the land uses and the degree of availability
34 or quantity of use of ~~such~~ the service to the affected lands, and
35 may restrict ~~such~~ the charge to lands lying within one or more
36 zones established within the agency; provided, however, that the
37 agency may not: (1) fix an annual charge in excess of ten dollars
38 (\$10) for each acre or for each parcel of less than one acre, *unless*
39 *the standby charge is imposed pursuant to the Uniform Standby*
40 *Charge Procedures Act, Chapter 12.4 (commencing with Section*

54984) of Part 1 of Division 2 of Title 5 of the Government Code;
(2) apply standby charges to parcels that are being used for the
production of plant crops, including timber, or livestock for
market; or (3) apply standby charges to lands situated more than
one-quarter of a mile from an available main or service
connection. The agency may collect the standby charges as a part
of the annual general county tax bill, provided the agency
furnishes in writing to the board of supervisors and to the county
auditor the description of each parcel for which a charge is to be
billed together with the amount of the charge applicable to each
parcel in sufficient time to meet the schedule established by the
county for inclusion of ~~such~~ those items on the county general
tax bill. The parcel description may be the parcel number
assigned by the county assessor to the parcel. In ~~such~~ those cases,
the standby charge shall become a lien against the parcel of land
to which it is charged in the same manner as the county general
taxes. Penalties may be collected for late payment of the standby
charge or the amount thereof unpaid in the manner and at the
same rates as that applicable for late payment or the amount
thereof unpaid of county general taxes. If the agency collects
standby charges through the county general tax bill, the amount
of the standby charge and any applicable penalty shall be stated
on the tax bill separately from all other taxes, if practicable.

*If the procedures set forth in this section as it read at the time
a standby charge was established were followed, the agency may,
by resolution, continue the charge in successive years at the
same rate. If new, increased, or extended assessments are
proposed, the agency shall comply with the notice, protest, and
hearing procedures in Section 53753 of the Government Code.*

SEC. 57. Section 12 of the Monterey County Water Resources
Agency Act (Chapter 1159 of the Statutes of 1990) is amended to
read:

Sec. 12. (a) The agency, by ordinance, may fix, on or before
August 31 in each calendar year, a water standby or availability
charge for any lands to which water is made available by the
agency, whether the water is actually used or not. The water
standby charge shall be used for ongoing maintenance and
operation of the zones of the agency upon which the charge is
imposed, as well as for retirement of any bonded indebtedness
attributable to that zone.

1 (b) The standby charge for each zone shall not exceed fifteen
2 dollars (\$15) per acre per year for each acre of land or fifteen
3 dollars (\$15) per year for a parcel less than one acre, unless the
4 standby charge is imposed pursuant to the Uniform Standby
5 Charge Procedures Act (Chapter 12.4 (commencing with Section
6 54984) of Part 1 of Division 2 of Title 5 of the Government
7 Code).

8 (c) The ordinance fixing a standby charge shall be adopted by
9 the board only ~~after adoption of a resolution setting forth the~~
10 ~~particular schedule or schedules of charges proposed to be~~
11 ~~established by ordinance and after notice and hearing. The~~
12 ~~adoption of the ordinance shall be subject to referendum pursuant~~
13 ~~to Section 5200 of the Elections Code pursuant to the notice,~~
14 ~~protest, and hearing procedures in Section 53753 of the~~
15 ~~Government Code.~~

16 Notice of the hearing shall be given by publication, pursuant to
17 Section 6066 of the Government Code, in a newspaper of general
18 circulation within the agency and by posting on or near the doors
19 of the meeting place of the board or on any official bulletin board
20 customarily used for the purpose of posting of public notices.
21 Publication and posting shall be completed at least seven days
22 prior to the date set for hearing.

23 *If the procedures set forth in this section as it read at the time*
24 *a standby charge was established were followed, the agency may,*
25 *by resolution, continue the charge in successive years at the*
26 *same rate. If new, increased, or extended assessments are*
27 *proposed, the agency shall comply with the notice, protest, and*
28 *hearing procedures in Section 53753 of the Government Code.*

29 (d) The ordinance fixing a standby charge may establish
30 schedules varying the charges according to land uses, water uses,
31 and degree of water availability.

32 (e) The board shall furnish in writing to the county board of
33 supervisors and the county auditor a description of each parcel of
34 land within the agency upon which a standby charge is to be
35 levied and collected for the current fiscal year, together with the
36 amount of standby charge fixed by the agency on each parcel of
37 land.

38 (f) The board shall direct that, at the time and in the manner
39 required by law for the levying of taxes for county purposes the
40 board of supervisors shall levy, in addition to any other tax it

1 levies, the standby charge in the amounts for the respective
2 parcels fixed by the board.

3 (g) All county officers charged with the duty of collecting
4 taxes shall collect agency standby charges with the regular tax
5 payments to the county. The charges shall be collected in the
6 same form and manner as county taxes are collected, and shall be
7 paid to the agency.

8 (h) Charges fixed by the agency, including water tolls or
9 charges, shall be a lien on all property against which the charge is
10 imposed or to which the water is delivered. Liens for the charges
11 shall be of the same force and effect as other liens for taxes, and
12 their collection may be enforced by the same means as provided
13 for the enforcement of liens for state and county taxes.

14 *SEC. 58. Section 721 of the Monterey Peninsula Water*
15 *Management District Law (Chapter 527 of the Statutes of 1977)*
16 *is amended to read:*

17 *Sec. 721. The district may, pursuant to the notice, protest,*
18 *and hearing procedures in Section 53753 of the Government*
19 *Code, fix standby charges to be applied on an area, or frontage,*
20 *or parcel basis, or a combination thereof, to such areas within the*
21 *agency to which service is made available, whether the service is*
22 *actually used or not, for the purpose of financing or maintaining*
23 *and operating projects or works which the district is authorized to*
24 *undertake. The district may establish schedules varying-~~such~~ *the**
25 *charges according to the land uses and the degree of availability*
26 *or quantity of use of-~~such~~ *the* service to the affected lands, and*
27 *may restrict-~~such~~ *the* charge to lands lying within one or more*
28 *zones established within-~~such~~ *the* district; provided, however,*
29 *that the district may not: (1) fix an annual charge in excess of ten*
30 *dollars (\$10) for each acre or for each parcel of less than one*
31 *acre, unless the standby charge is imposed pursuant to the*
32 *Uniform Standby Charge Procedures Act, Chapter 12.4*
33 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
34 *5 of the Government Code; (2) apply standby charges to parcels*
35 *that are being used for the production of livestock for market or*
36 *plant crops, including timber; or (3) apply standby charges to*
37 *lands situated more than one-quarter of a mile from an available*
38 *main or service connection.*

39 *If the procedures set forth in this section as it read at the time*
40 *a standby charge was established were followed, the district may,*

1 *by resolution, continue the charge in successive years at the*
2 *same rate. If new, increased, or extended assessments are*
3 *proposed, the district shall comply with the notice, protest, and*
4 *hearing procedures in Section 53753 of the Government Code.*

5 SEC. 59. *Section 441 of the Placer County Flood Control and*
6 *Water Conservation District Act (Chapter 689 of the Statutes of*
7 *1984) is amended to read:*

8 Sec. 441. The district shall have authority, ~~by resolution~~
9 ~~following notice and public hearing,~~ *pursuant to the notice,*
10 *protest, and hearing procedures in Section 53753 of the*
11 *Government Code, to levy a standby or carrying charge, not to*
12 ~~exceed ten dollars (\$10) per acre or fraction of acre per year,~~
13 *against each acre of land or fraction thereof to which a service*
14 *provided by the district is available, irrespective of whether the*
15 *service is actually used. The standby or carrying charge shall not*
16 *exceed ten dollars (\$10) per acre or fraction of acre per year,*
17 *unless the standby charge is imposed pursuant to the Uniform*
18 *Standby Charge Procedures Act, Chapter 12.4 (commencing with*
19 *Section 54984) of Part 1 of Division 2 of Title 5 of the*
20 *Government Code. However, no standby or carrying charge for*
21 *water service shall be applied to lands situated more than*
22 *one-quarter of a mile from an available main or service*
23 *connection. The resolution shall be published one time in a*
24 *newspaper of general circulation in the district at least seven days*
25 *before the effective date of the standby charge.*

26 *If the procedures set forth in this section as it read at the time*
27 *a standby charge was established were followed, the district may,*
28 *by resolution, continue the charge in successive years at the*
29 *same rate. If new, increased, or extended assessments are*
30 *proposed, the district shall comply with the notice, protest, and*
31 *hearing procedures in Section 53753 of the Government Code.*

32 SEC. 60. *Section 603 of the San Diego Area Wastewater*
33 *Management District Act (Chapter 803 of the Statutes of 1992) is*
34 *amended to read:*

35 Sec. 603. The board may, by ordinance, *pursuant to the*
36 *notice, protest, and hearing procedures in Section 53753 of the*
37 *Government Code, fix on or before the third Monday in August*
38 *in each fiscal year, a sewer standby availability charge on land*
39 *within the boundaries of the district to which sewer services are*

1 made available by the district, whether the service is actually
2 used or not.

3 *SEC. 61. Section 604 of the San Diego Area Wastewater*
4 *Management District Act (Chapter 803 of the Statutes of 1992) is*
5 *amended to read:*

6 Sec. 604. ~~(a)~~—The sewer standby availability charge shall be
7 adopted by the board only after adoption of a resolution setting
8 forth the particular schedule or schedules of charges proposed to
9 be established by ordinance and after a public hearing on the
10 resolution. *If the procedures set forth in this section as it read at*
11 *the time a standby charge was established were followed, the*
12 *board may, by ordinance, continue the charge in successive*
13 *years at the same rate. If new, increased, or extended*
14 *assessments are proposed, the board shall comply with the*
15 *notice, protest, and hearing procedures in Section 53753 of the*
16 *Government Code.*

17 ~~(b) The secretary shall cause notice of a time and place of~~
18 ~~hearing to be published pursuant to Section 6066 of the~~
19 ~~Government Code, prior to the date set for the hearing, in a~~
20 ~~newspaper of general circulation printed and published within the~~
21 ~~district.~~

22 ~~(c) At the time stated in the notice, the board shall hear and~~
23 ~~consider all objections or protests, if any, to the resolution~~
24 ~~referred to in the notice and may continue the hearing from time~~
25 ~~to time. Upon conclusion of the hearing, the board may adopt,~~
26 ~~revise, charge, reduce, or modify a proposed charge, or overrule~~
27 ~~any or all objections. The board shall make its determination~~
28 ~~upon each charge as described in the resolution. The~~
29 ~~determination shall be final.~~

30 *SEC. 62. Section 441 of the Sutter County Flood Control and*
31 *Water Conservation District Act (Chapter 688 of the Statutes of*
32 *1984) is amended to read:*

33 Sec. 441. The district shall have authority, by resolution
34 ~~following notice and public hearing, pursuant to the notice,~~
35 ~~protest, and hearing procedures in Section 53753 of the~~
36 ~~Government Code, to levy a standby or carrying charge, not to~~
37 ~~exceed ten dollars (\$10) per acre or fraction of acre per year,~~
38 ~~against each acre of land or fraction thereof to which a service~~
39 ~~provided by the district is available, irrespective of whether the~~
40 ~~service is actually used. The standby or carrying charge shall not~~

1 *exceed ten dollars (\$10) per acre or fraction of acre per year,*
2 *unless the standby charge is imposed pursuant to the Uniform*
3 *Standby Charge Procedures Act, Chapter 12.4 (commencing with*
4 *Section 54984) of Part 1 of Division 2 of Title 5 of the*
5 *Government Code. However, no standby or carrying charge for*
6 *water service shall be applied to lands situated more than*
7 *one-quarter of a mile from an available main or service*
8 *connection. The resolution shall be published one time in a*
9 *newspaper of general circulation in the district at least seven days*
10 *before the effective date of the standby charge.*

11 *If the procedures set forth in this section as it read at the time*
12 *a standby charge was established were followed, the district may,*
13 *by resolution, continue the charge in successive years at the*
14 *same rate. If new, increased, or extended assessments are*
15 *proposed, the district shall comply with the notice, protest, and*
16 *hearing procedures in Section 53753 of the Government Code.*

17 SEC. 63. *Section 27.6 of the Yolo County Flood Control and*
18 *Water Conservation District Act (Chapter 1657 of the Statutes of*
19 *1951) is amended to read:*

20 Sec. 27.6. (a) *The board may, pursuant to the notice,*
21 *protests, and hearing procedures in Section 53753 of the*
22 *Government Code, fix a water standby or availability charge for*
23 *land within the district to which water is made available for any*
24 *purpose by the district, whether the water is actually used or not.*
25 *The charges may be restricted to lands lying within one or more*
26 *improvement districts or zones or any portion thereof within the*
27 *district. The charge shall not exceed ten dollars (\$10) per acre per*
28 *year for each acre of land within the district or any improvement*
29 *district or zone thereof or ten dollars (\$10) per year for any*
30 *parcel of less than one acre, unless the standby charge is imposed*
31 *pursuant to the Uniform Standby Charge Procedures Act,*
32 *Chapter 12.4 (commencing with Section 54984) of Part 1 of*
33 *Division 2 of Title 5 of the Government Code. The board may*
34 *establish schedules varying the charges depending upon, but not*
35 *limited to, factors such as land uses, water uses, the cost of*
36 *transporting the water to the land, and the degree of water*
37 *availability.*

38 (b) *In order to fix the charges, the board shall first adopt a*
39 *resolution initiating proceedings, which resolution shall include*
40 *the following information: pursuant to the notice, protest, and*

1 *hearing procedures in Section 53753 of the Government Code. If*
2 *the procedures set forth in this section as it read at the time a*
3 *standby charge was established were followed, the agency may,*
4 *by resolution, continue the charge in successive years at the*
5 *same rate. If new, increased, or extended assessments are*
6 *proposed, the agency shall comply with the notice, protest, and*
7 *hearing procedures in Section 53753 of the Government Code.*

8 ~~(1) A description of the area to be subject to the charges:~~

9 ~~(2) Whether the area is inhabited, in that there are 12 or more~~
10 ~~persons who reside and have been registered to vote within the~~
11 ~~area for at least 54 days prior to the date of adoption of the~~
12 ~~resolution, or uninhabited, in that there are less than 12 persons~~
13 ~~who reside and have been registered to vote within the area for at~~
14 ~~least 54 days prior to the date of adoption of the resolution:~~

15 ~~(3) The proposed charges:~~

16 ~~(4) A time, date, and place of hearing:~~

17 ~~(5) That any interested person desiring to make written protest~~
18 ~~shall do so by written communication filed with the district not~~
19 ~~later than the hour set for the hearing. A written protest by a~~
20 ~~landowner shall contain a description sufficient to identify the~~
21 ~~land owned by him. A written protest by a voter shall contain the~~
22 ~~residential address of the voter:~~

23 ~~(e) The secretary shall give notice of any hearing by the~~
24 ~~following:~~

25 ~~(1) Publication of the resolution initiating proceedings pursuant~~
26 ~~to Section 6066 of the Government Code in a newspaper of~~
27 ~~general circulation within the area, or if none, within the district:~~

28 ~~(2) Posting of the resolution initiating proceedings on or near~~
29 ~~the doors of the meeting place of the board or on any official~~
30 ~~bulletin board customarily used for the purpose of posting of~~
31 ~~public notices:~~

32 ~~Publication and posting shall be completed at least seven days~~
33 ~~prior to the date set for hearing:~~

34 ~~(d) The hearing on the proposed charges shall be held by the~~
35 ~~board upon the date and time specified in the resolution initiating~~
36 ~~proceedings. The hearing may be continued from time to time. At~~
37 ~~the hearing, the board shall hear and receive any oral or written~~
38 ~~protests, objections, or evidence which shall be made, presented,~~
39 ~~or filed. Any person who filed a written protest may withdraw~~
40 ~~the protest at any time prior to the conclusion of the hearing:~~

1 ~~(e) A majority protest shall be deemed to exist and the~~
2 ~~proposed charges shall not be adopted if the board finds and~~
3 ~~declares by resolution that written protests filed not later than the~~
4 ~~hour set for the hearing, and not withdrawn prior to the~~
5 ~~conclusion of the hearing, represent the following:~~

6 ~~(1) In the case of an inhabited area, more than 50 percent of~~
7 ~~the registered voters residing within the area.~~

8 ~~(2) In the case of an uninhabited area, more than 50 percent of~~
9 ~~the assessed value of land therein.~~

10 ~~A written protest by a resident voter shall contain his signature~~
11 ~~and a street and number of designation sufficient to enable the~~
12 ~~place of residence to be readily ascertained. A protest by a~~
13 ~~landowner shall contain his signature and a description of the~~
14 ~~land owned by him sufficient to identify the same. A public~~
15 ~~agency owning land shall be deemed a landowner for the purpose~~
16 ~~of making a written protest and determining the existence of a~~
17 ~~majority protest.~~

18 ~~(f) The board shall determine the sufficiency of written~~
19 ~~protests as follows:~~

20 ~~(1) If the protests are signed by resident voters, the secretary~~
21 ~~shall compare the names of the signers on the protests against the~~
22 ~~voters' register in the office of the county clerk or registrar of~~
23 ~~voters and ascertain therefrom the number of qualified signers~~
24 ~~appearing upon the protests.~~

25 ~~(2) If the protests are signed by landowners, the secretary shall~~
26 ~~compare the names of the signers on the protests against the~~
27 ~~names of the persons shown as owners of land on the last~~
28 ~~equalized assessment roll of the county and ascertain therefrom:~~

29 ~~(A) The total number of landowners owning land within the~~
30 ~~area which is the subject of the proposed charges and the total~~
31 ~~assessed valuation of all land within the area.~~

32 ~~(B) The total number of landowners represented by qualified~~
33 ~~signers and the total assessed valuation of land owned by~~
34 ~~qualified signers.~~

35 ~~(3) If a protest is signed by a landowner which is a public~~
36 ~~agency owning land within the area which is the subject of the~~
37 ~~proposed charges, the public agency shall be deemed a~~
38 ~~landowner for the purpose of the signing and certification of the~~
39 ~~protest. Any such public agency may authorize the protest to be~~

1 ~~signed for and on its behalf by any duly authorized officer or~~
2 ~~employee.~~

3 ~~(4) In examining any petition signed by a landowner, the~~
4 ~~secretary shall disregard the signature of any person not shown as~~
5 ~~owner on the last equalized assessment roll unless, prior to~~
6 ~~certification, the secretary is furnished with written evidence,~~
7 ~~satisfactory to the secretary, that the signer is a legal~~
8 ~~representative of the owner, is entitled to be shown as owner of~~
9 ~~land on the next assessment roll, is a purchaser of land under a~~
10 ~~recorded written agreement of sale, or is authorized to sign for~~
11 ~~and on behalf of any public agency owning land.~~

12 ~~(5) If any person signing a protest as a landowner shall appear~~
13 ~~as owner on the last equalized assessment roll but be shown~~
14 ~~thereon as a partner, joint tenant, tenant in common, or husband~~
15 ~~or wife, the signature of the person shall be counted as if all the~~
16 ~~owners shown on the roll had signed.~~

17 ~~(g) If a majority protest shall not have been filed, the board,~~
18 ~~not later than 30 days after the conclusion of the hearing, shall~~
19 ~~adopt a resolution and make one of the following determinations:~~

20 ~~(1) Disapproving the proposed charges.~~

21 ~~(2) Fixing the proposed charges in the area described.~~

22 *SEC. 64. Section 5.2 of the County Water Authority Act*
23 *(Chapter 545 of the Statutes of 1943) is amended to read:*

24 *Sec. 5.2. (a) Any authority may, pursuant to the notice,*
25 *protest, and hearing procedures in Section 53753 of the*
26 *Government Code, by ordinance, fix on or before the third*
27 *Monday of August, in each fiscal year, a water standby*
28 *availability charge on land within the boundaries of the authority,*
29 *to which water is made available by the authority, whether the*
30 *water is actually used or not.*

31 *(b) The standby availability charge shall not exceed ten dollars*
32 *(\$10) per acre per year for each acre of land within the authority*
33 *or ten dollars (\$10) per year for a parcel less than one acre,*
34 *unless the standby charge is imposed pursuant to the Uniform*
35 *Standby Charge Procedures Act, Chapter 12.4 (commencing with*
36 *Section 54984) of Part 1 of Division 2 of Title 5 of the*
37 *Government Code.*

38 ~~(c) The availability charge shall be adopted by the board of~~
39 ~~directors only after adoption of a resolution setting forth the~~
40 ~~particular schedule or schedules of charges proposed to be~~

1 ~~established by ordinance and after a public hearing on the~~
2 ~~resolution. The secretary shall cause notice of a time and place of~~
3 ~~the hearing to be published pursuant to Section 6066 of the~~
4 ~~Government Code, prior to the date set for hearing, in a~~
5 ~~newspaper of general circulation printed and published within the~~
6 ~~authority. At the time stated in the notice, the board of directors~~
7 ~~shall hear and consider all objections or protests, if any, to the~~
8 ~~resolution referred to in the notice and may continue the hearing~~
9 ~~from time to time. Upon the conclusion of the hearing, the board~~
10 ~~of directors may adopt, revise, charge, reduce, or modify an~~
11 ~~assessment of charge or overrule any or all objections. The board~~
12 ~~of directors shall make its determination upon each charge as~~
13 ~~described in the resolution, which determination shall be final. If~~
14 ~~the procedures set forth in this section as it read at the time an~~
15 ~~availability charge was established were followed, the authority~~
16 ~~may, by ordinance, continue the charge in successive years at the~~
17 ~~same rate. If new, increased, or extended assessments are~~
18 ~~proposed, the authority shall comply with the notice, protest, and~~
19 ~~hearing procedures in Section 53753 of the Government Code.~~

20 (d) On or before the third Monday in August, the board of
21 directors shall furnish in writing to the board of supervisors and
22 the county auditor of each affected county a description of that
23 parcel of land within the authority upon which an availability
24 charge is to be levied and collected for the current fiscal year,
25 together with the amount of availability charge fixed by the
26 authority on each parcel of land which is to be added to the
27 assessment roll.

28 (e) The authority shall direct that, at the time and in the
29 manner required by law for the levying of taxes for county
30 purposes, the board of supervisors shall levy, in addition to any
31 other taxes levied, the availability charge in the amounts for the
32 respective parcels fixed by the authority.

33 (f) All county officers charged with the duties of collecting
34 taxes shall collect the authority's availability charges with the
35 regular tax payments to the county. The availability charges shall
36 be collected in the same form and manner as county taxes are
37 collected, including procedures in the event of delinquency.
38 Upon collection of the availability charges by the tax collector,
39 the collections shall be paid to the authority. The county may

1 deduct the reasonable administrative costs incurred in levying
2 and collecting the water standby availability charge.

3 *SEC. 65. Section 134.5 of the Metropolitan Water District Act*
4 *(Chapter 209 of the Statutes of 1969) is amended to read:*

5 Sec. 134.5. (a) The board may, from time to time, *pursuant*
6 *to the notice, protest, and hearing procedures in Section 53753*
7 *of the Government Code*, impose a water standby or availability
8 service charge within a district. The amount of revenue to be
9 raised by the service charge shall be as determined by the board.

10 (b) Allocation of the service charge among member public
11 agencies shall be in accordance with a method established by
12 ordinance or resolution of the board. Factors that may be
13 considered include, but are not limited to, historical water
14 deliveries by a district; projected water service demands by
15 member public agencies of a district; contracted water service
16 demands by member public agencies of a district; service
17 connection capacity; acreage; property parcels; population, and
18 assessed valuation, or a combination thereof.

19 (c) The service charge may be collected from the member
20 public agencies of a district. As an alternative, a district may
21 impose a service charge as a standby charge against individual
22 parcels within the district. In implementing this alternative, a
23 district may exercise the powers of a county water district under
24 Section 31031 of the Water Code, except that, notwithstanding
25 Section 31031 of the Water Code, a district may (1) raise the
26 standby charge rate above ten dollars (\$10) per year by a
27 majority vote of the board, and (2) after taking into account the
28 factors specified in subdivision (b), fix different standby charge
29 rates for parcels situated within different member public
30 agencies.

31 (d) Before imposing or changing any water standby or
32 availability service charge pursuant to this section, a district shall
33 give written notice to each member public agency not less than
34 45 days prior to final adoption of the imposition or change.

35 (e) As an alternative to the two methods set forth in
36 subdivision (c), a district, at the option of its board, may convert
37 the charge to a benefit assessment to be levied pursuant to
38 Sections 134.6 to 134.9, inclusive.

39 *SEC. 66. Section 134.6 of the Metropolitan Water District Act*
40 *(Chapter 209 of the Statutes of 1969) is amended to read:*

1 Sec. 134.6. (a) The board may by ordinance or resolution,
2 ~~adopted after notice and public hearing pursuant to the notice,~~
3 ~~protest, and hearing procedures in Section 53753 of the~~
4 ~~Government Code,~~ determine and propose for adoption, ~~subject~~
5 ~~to the approval of the voters as provided in subdivision (e);~~ an
6 annual water standby or availability assessment on each parcel of
7 real property within the jurisdiction of each member public
8 agency of the district, except that the board shall not impose an
9 assessment upon a federal or state governmental agency or
10 another local agency.

11 (b) The board may establish zones or areas of benefit within
12 the district or within its member public agencies and may restrict
13 the imposition of the assessments to areas lying within one or
14 more of the zones or areas of benefit established within the
15 district or within its member public agencies.

16 (c) The benefit assessment shall be levied on a parcel, class of
17 improvement to property, or use of property basis, or a
18 combination thereof, within the boundaries of the district,
19 member public agency, zone, or area of benefit.

20 (d) The assessment may be levied against any parcel,
21 improvement, or use of property to which water service, through
22 a member public agency, may be made available, directly or
23 indirectly, whether or not that service is actually used.

24 (e) ~~An ordinance or resolution adopted pursuant to subdivision~~
25 ~~(a) shall be submitted to the eligible voters within the district and~~
26 ~~shall take effect upon approval of the proposition by a majority~~
27 ~~of the voters voting on the proposition. The election shall be held~~
28 ~~and conducted substantially in accordance with Article 2~~
29 ~~(commencing with Section 210) of Chapter 1 of Part 5. If the~~
30 ~~procedures set forth in this section as it read at the time a~~
31 ~~standby charge was established were followed, the district may,~~
32 ~~by resolution, continue the charge in successive years at the~~
33 ~~same rate. If new, increased, or extended assessments are~~
34 ~~proposed, the district shall comply with the notice, protest, and~~
35 ~~hearing procedures in Section 53753 of the Government Code.~~

36 SEC. 67. Section 134.7 of the Metropolitan Water District Act
37 (Chapter 209 of the Statutes of 1969) is amended to read:

38 Sec. 134.7. (a) ~~For the first fiscal year in which a benefit~~
39 ~~assessment is proposed to be levied pursuant to this act, the board~~
40 ~~shall cause a written report to be prepared and filed with the~~

1 ~~executive secretary of the district which shall contain all of the~~
2 ~~following information: If the procedures set forth in this section~~
3 ~~as it read at the time a standby charge was established were~~
4 ~~followed, the agency may, by resolution, continue the charge in~~
5 ~~successive years at the same rate. If new, increased, or extended~~
6 ~~assessments are proposed, the agency shall comply with the~~
7 ~~notice, protest, and hearing procedures in Section 53753 of the~~
8 ~~Government Code.~~

9 ~~(1) A description of the service proposed to be financed~~
10 ~~through the revenue derived from the assessment.~~

11 ~~(2) A description of each lot or parcel of property proposed to~~
12 ~~be subject to the benefit assessment. The assessor's parcel~~
13 ~~number shall be a sufficient description of the parcel.~~

14 ~~(3) The amount of the proposed assessment for each parcel.~~

15 ~~(4) The basis and schedule of the assessment.~~

16 ~~(b) The executive secretary shall cause notice of the filing of~~
17 ~~the report and of a time, date, and place of hearing thereon to be~~
18 ~~published pursuant to Section 6066 of the Government Code and~~
19 ~~posted in at least one public place within the jurisdiction of each~~
20 ~~affected member public agency.~~

21 ~~(c) At the hearing the board shall hear and consider all~~
22 ~~protests. At the conclusion of the hearing, the board may adopt,~~
23 ~~revise, change, reduce, or modify the proposed assessment. The~~
24 ~~board shall make a determination upon the assessment, as~~
25 ~~described in the report or as determined at the hearing, and shall,~~
26 ~~by ordinance or resolution, determine the proposed assessment.~~

27 *SEC. 68. The Legislature finds and declares that the*
28 *amendments to Section 65457 of the Government Code made by*
29 *Section 10 of this act do not constitute a substantive change to*
30 *that section.*

31 *SEC. 69. No reimbursement is required by this act pursuant*
32 *to Section 6 of Article XIII B of the California Constitution*
33 *because the only costs that may be incurred by a local agency or*
34 *school district pursuant to Section 13.6 of this act which amends*
35 *Section 40980 of the Health and Safety Code are the result of a*
36 *program for which legislative authority was requested by that*
37 *local agency or school district, within the meaning of Section*

- 1 *17556 of the Government Code and Section 6 of Article XIII B of*
- 2 *the California Constitution.*

O